FEDERAL REGISTER

VOLUME 7 NUMBER 233

Washington, Saturday, December 5, 1942

The President

EXECUTIVE ORDER 9277

AWARD OF THE PURPLE HEART TO PERSONS SERVING WITH THE NAVY, MARINE CORPS OR COAST GUARD OF THE UNITED STATES

WHEREAS the decoration of the Purple Heart is awarded, as prescribed by Army Regulations of September 4, 1942,[1] to persons serving with the Army of the United States; and

WHEREAS it is appropriate that the award of the Purple Heart be authorized to persons serving with the Navy, Marine Corps or Coast Guard of the United States:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, and as Commander in Chief of the Army and Navy of the United States, it is hereby ordered as follows:

1. The Secretary of the Navy is authorized and directed to award the Purple Heart in the name of the President of the United States to persons who, while heretofore or hereafter serving in any capacity with the Navy, Marine Corps or Coast Guard of the United States, are wounded in action against an enemy of the United States, or as a result of an act of such enemy, provided such wound necessitates treatment by a medical officer.

2. Except as authorized in paragraph three hereof, no more than one Purple Heart shall be awarded to any one person, but for each subsequent justification for such an award a Gold Star, or other suitable device shall be awarded, to be worn with the Purple Heart as prescribed by appropriate regulations.

3. The Secretary of the Navy is further authorized and directed to award the Purple Heart posthumously, in the name of the President of the United States, to any persons who, while serving in any capacity with the Navy, Marine Corps or Coast Guard of the United States, since December 6, 1941, are killed in action or who die as a direct result of wounds received in action with an enemy of the United States, or as a result of an act of such enemy. The Purple Heart will be forwarded to the nearest of kin of any person entitled to the posthumous award regardless of whether a previous award has been made to such person.

4. If so authorized by the Secretary of the Navy the award of the Purple Heart may be made by the Commander in Chief of a fleet, or by such other appropriate officers as the Secretary of the Navy may designate.

5. The Secretary of the Navy is authorized to promulgate such regulations as he may deem appropriate to effectuate the purposes hereof. The regulations of the Secretary of the Navy hereunder, and the regulations of the Secretary of War with respect to the award of the Purple Heart to persons serving in any capacity with the Army of the United States, shall, so far as practicable, be of uniform application.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 3, 1942.

[F. R. Doc. 42-12803; Filed, December 4, 1942; 11:42 a. m.]

[1] 7 F.R. 7477.

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Commodity Credit Corporation

[Offered Order 4]

PART 250—CONTROL OF VEGETABLE OIL SEEDS AND PRODUCTS THEREFROM

PARTIAL RESTRICTION ON SALES OF SOYBEAN OIL MEAL

Pursuant to the authority vested in the Commodity Credit Corporation by Directive No. 7 of the War Production Board, issued August 15, 1942, *It is hereby ordered*, That:

Sec.
250.14 Restriction on sales in designated area.
250.15 Designated area.
250.16 Existing contracts; processors' duty.
250.17 Existing contracts; buyers' duty.
250.18 Records; reports; communications.
250.19 Penalties.

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FEDERAL REGISTER

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Sec.
250.20 Definitions.
250.21 Effective date.

AUTHORITY: §§ 250.14 to 250.21, inclusive, issued under W.P.B. Directive No. 7, 32 C.F.R. § 903.12, 7 F.R. 6518.

§ 250.14 *Restriction on sales in designated area.* On and after the effective date of this order, unless otherwise authorized by Commodity Credit Corporation, no soybean oil meal shall be sold for shipment into the area hereinafter designated, except soybean oil meal produced in processing plants located within such area.

§ 250.15 *Designated area.* That area including the following named cities and bounded by a line from Boston through Nashua, New Hampshire, to Keene, New Hampshire; Charlestown, New Hampshire; Arlington, Vermont; Schenectady, Cobleskill, Delhi, Hancock, New York; Carbondale, Scranton, Hazleton, Pottsville, Lancaster, Pennsylvania; Aberdeen, Chestertown, Maryland; Georgetown, Delaware.

§ 250.16 *Existing contracts; processors' duty.* Processors located outside the above designated area who have sold soybean oil meal for shipment into such area during December 1942 and January 1943, shall, to the extent available, purchase from processing mills located within the area soybean oil meal for the purpose of making deliveries on contracts of sale for shipment into such area. Such tonnage of soybean oil meal as may be made available by this action shall be offered for sale by processors to consumers in other areas, particularly in the Midwest and the Pacific Northwest.

§ 250.17 *Existing contracts; buyers' duty.* All persons who have purchased under contract for shipment during December 1942 or January 1943 into the above designated area soybean oil meal produced in processing plants located outside of such area, shall, if suitable deliveries can be obtained by their sellers from plants located within such area, accept such shipments in full satisfaction of their existing contracts to the extent of the tonnage of soybean oil meal so delivered.

§ 250.18 *Records; reports; communications.* (a) Every person subject to this order shall keep and preserve for not less than two years accurate and complete records concerning all sales, purchases, contracts for the sale or purchase, and deliveries of soybean oil meal. All such records shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Commodity Credit Corporation.

(b) Every person subject to this order shall execute and file with the Commodity Credit Corporation such reports and questionnaires as the Corporation may from time to time request.

(c) All reports required to be filed hereunder and all communications concerning this order shall be addressed to: Commodity Credit Corporation, South Agriculture Building, Washington, D. C.

§ 250.19 *Penalties.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to Commodity Credit Corporation in connection with this order may be prohibited from processing, purchasing, selling, transferring or otherwise disposing of or acquiring soybean oil meal, and, in addition, may be punished by fine and imprisonment.

§ 250.20 *Definitions.* (a) "Processor" as used herein means any "person" operating a processing plant for producing soybean oil meal.

(b) "Person" as used herein means any individual, partnership, business trust, association or corporation or any organized group of persons, whether incorporated or not.

§ 250.21 *Effective date.* This order shall become effective on and after December 5, 1942, and, subject to the pro-

visions of Directive No. 7 of the War Production Board, shall continue in effect until revoked by the Commodity Credit Corporation.

Issued this 4th day of December 1942.

[SEAL] C. C. FARRINGTON,
Acting President.

[F. R. Doc. 42-12851; Filed, December 4, 1942; 11:19 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[ACP-1943-1, Supp. 1]

PART 701—AGRICULTURAL CONSERVATION PROGRAM BULLETIN

SUBPART E—1943

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (47 Stat. 1148, 16 U.S.C. 590g to 590q), as amended, the 1943 Agricultural Conservation Program[1] is amended as follows:

1. Section 701.403 (a) is amended by inserting in the blank spaces provided therefor the following rates of payment:

§ 701.403 *Production adjustment allowance and deductions*—(a) *The farm production adjustment allowance.* * * *

(1) *Corn on a corn-allotment farm*	3.6
(2) *Cotton*	1.1
(3) *Peanuts*	1.10
(4) *Rice*	2.0
(5) *Tobacco.* * * *	
Burley	.4
Flue-cured	.4
Dark air-cured	.7
Fire-cured	1.2
Virginia sun-cured	.5
Cigar-filler, type 41	.4
Cigar-filler and binder (except types 41 and 45)	.5
Georgia-Florida, type 62	.7
(6) *Wheat on a wheat-allotment farm*	9.2

2. Section 701.403 (d) (1) (i) and (ii) is amended by inserting in the blank spaces provided therefor the figure 125.

Done at Washington, D. C., this 3d day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Under Secretary of Agriculture.

[F. R. Doc. 42-12819; Filed, December 3, 1942; 2:48 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 82—CONSTRUCTION CONTRACTS

Sections 82.1, 82.2, and 82.3 are hereby rescinded. The regulations contained in these sections were also contained in Army Regulations 30-1435, November 28, 1933, which has been superseded, but were not included in the superseding publication. (Sec. 9, 39 Stat. 170, sec. 9, 41 Stat. 766; 10 U.S.C. 72) [AR 100-70, November 5, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-12837; Filed, December 4, 1942; 12:00 p. m.]

PART 85—VETERINARY STATION SERVICE

MISCELLANEOUS AMENDMENTS

Sections 85.2, 85.3 and 85.4 are rescinded and the following substituted therefor:

§ 85.2 *Inspection of establishments*—(a) *Award of contracts.* (1) The award of contracts for meat and meat-food products is limited to bidders whose plants operate directly under the supervision of the Bureau of Animal Industry, United States Department of Agriculture, or to bidders handling in establishments approved by the Army Veterinary Corps, meat and meat-food products originating in plants under the supervision of the United States Bureau of Animal Industry. The award of contracts for milk, cream, or other fluid milk products (other than canned), and ice cream, will be limited to establishments which have passed an Army sanitary inspection within the calendar month preceding the opening date of the bid or which are certified to by Army Medical Department authorities as approved sources of supply.

(2) Establishments other than those mentioned in subparagraph (1) of this paragraph which supply or propose to supply foods of animal origin will be inspected by a veterinary officer as circumstances and conditions warrant.

(b) *Inspection procedure.* The inspection of establishments will be conducted by an officer of the Veterinary Corps whenever such officer is available. The inspection will be conducted so as to ascertain that the plant and the methods in use conform to recognized principles of sanitation and to such technical instructions and informative guides as may be issued by The Surgeon General. (R.S. 161; 5 U.S.C. 22) [Pars. 6 and 7, AR 40-2150, Oct. 9, 1942]

§ 85.3 *Correction of defects in establishments.* When an establishment is not properly operated or does not maintain a satisfactory standard of sanitation, and correction of these defects cannot be obtained after the matter has been brought to the attention of the proprietor or manager, written recommendation should be made by the responsible veterinary officer, through the surgeon, to the commanding officer that the establishment not be approved as a source of supply for the command. (R.S. 161; 5 U.S.C. 22) [Par. 9, AR 40-2150, Oct. 9, 1942]

§ 85.4 *Milk plant and dairy farm inspection*—(a) *Object.* (1) The object of milk plant and dairy farm inspection is to prevent the transmission of disease through the use of an unsafe milk product and to obtain the quality of product specified in the contract. Due to the highly perishable nature of milk and milk products and the fact that they are very favorable media for bacterial growth, it is essential that particular atttention and close supervision be given to the production, processing, and handling of these products.

(2) It is not intended that veterinary officers will routinely inspect all dairy farms supplying milk to milk plants having Army contracts. Ordinarily, veterinary officers will determine the character and quality of the raw milk through frequent laboratory examinations of representative samples taken at milk plants and through close contact with local health or other civilian agencies exercising supervision over the raw milk supply. However, in exceptional circumstances where it would be in the interest of the Army to do so, and in cases where milk is procured by an Army post from an individual or firm operating a dairy farm in conjunction with a milk plant, the veterinary officer will take the necessary inspection of the farm.

(b) *Scope.* A sanitary inspection of a milk plant or a dairy farm will include a complete physical examination by a veterinarian of all dairy cows in each herd from which the milk is procured; the sanitary condition and suitability of all buildings, equipment, and utensils; the methods of operation; the apparent health of employees; an investigation of the water supply and of the various ingredients used; and an examination of the various products manufactured or produced in each establishment.

(c) *Action.* Deviation from accepted practices or incorrect procedures of such a nature as to have real bearing on the actual sanitary condition or on the quality of the product must be promptly rectified or the product should be excluded from use by the Army. Since it is impracticable to state exactly at what stage an improper practice or incorrect procedure may render a milk product dangerous to the consuming troops, the decision as to the acceptability or use of these products is left to the responsible Medical Department authority. Any product of such character, or which is handled under such conditions as probably to adversely affect the health of the command will not be used. (R.S. 161; 5 U.S.C. 22) [Pars. 10, 11 and 12, AR 40-2150, Oct. 9, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-12332; Filed, December 3, 1942; 3:43 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amendment 60-3, Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

PERMIT FOR JUMP

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 27th day of November 1942.

[1] 7 F.R. 10031.

Acting pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective November 27, 1942, Part 60 of the Civil Air Regulations is amended as follows:

By adding a new § 60.734 to read as follows:

§ 60.734 *Permit for jump.* No pilot or person in command of civil aircraft in flight shall permit any parachute jump from such aircraft other than a jump made to abandon the aircraft in distress, unless prior thereto the person making such jump shall have obtained from the Administrator a permit which prescribes the equipment and conditions therefor, and the pilot or person in command of the aircraft shall have examined such permit. This provision is a war emergency regulation and shall terminate at the end of the war.

By the Civil Aeronautics Board.

[SEAL] F. A. TOOMBS,
Acting Secretary.

[F. R. Doc. 42-12850; Filed, December 4, 1942; 9.46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4727]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NEW YORK HANDKERCHIEF MANUFACTURING COMPANY

§ 3.66 (a 7) *Misbranding or mislabeling—Composition:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Foreign, in general:* § 3.96 (a) *Using misleading name—Goods—Composition:* § 3.96 (a) *Using misleading name—Goods—Source or origin—Place—Foreign, in general.* In connection with offer, etc., in commerce, of respondent's handkerchiefs, (1) using the word "Erin", or any other word indicative or suggestive of the country Ireland, to designate or describe handkerchiefs which are not in fact imported from Ireland or made of materials imported from Ireland; (2) using the word "Linen", or any simulation thereof, alone or in combination with any other word or words, to designate or describe handkerchiefs which are not in fact made of linen; or (3) misrepresenting, through the use of picturizations or by any other means, the place of origin of respondent's products or the materials of which such products are made; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, New York Handkerchief Manufacturing Company, Docket 4727, November 30, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of November, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondent and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, New York Handkerchief Manufacturing Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of respondent's handkerchiefs in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Erin," or any other word indicative or suggestive of the country Ireland, to designate or describe handkerchiefs which are not in fact imported from Ireland or made of materials imported from Ireland.

2. Using the word "Linen," or any simulation thereof, alone or in combination with any other word or words, to designate or describe handkerchiefs which are not in fact made of linen.

3. Misrepresenting, through the use of picturizations or by any other means, the place of origin of respondent's products or the materials of which such products are made.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-12852; Filed, December 4, 1942; 11:15 a. m.]

[Docket No. 4838]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MARVEL LABORATORIES

§ 3.6 (f) *Advertising falsely or misleadingly—Demand or business opportunities:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.80 (b) *Securing agents or representatives falsely or misleadingly—Demand or business opportunities.* In connection with offer, etc., in commerce, of respondents' "Marvel Coal-Pep" and "Economy Coal-Saver", or any other similar product, representing in any manner whatsoever that said product will aid in the combustion of coal so as to produce more heat therefrom; that it will, when added to coal, save one-third or any other appreciable amount in the cost of coal; that it will make coal burn better or create a steadier, more even heat; that it will reduce or eliminate ashes, soot, smoke, or dirt; that it will create or produce an amount of oxygen sufficient to affect the burning or heating qualities of coal; that it will save labor in handling coal or ashes; that it will purify the air of gases resulting from the combustion of coal; that it will reduce evaporation and help preserve the heating elements in coal; or that said product is the biggest money making specialty ever offered sales people; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Marvel Laboratories, Docket 4838, November 30, 1942]

In the Matter of Fred B. Peake and William H. Roose, Individually, and as Copartners Doing Business under the Trade Name of Marvel Laboratories

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of November, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent Fred B. Peake and the substitute answer of respondent William H. Roose, individually and as copartners doing business under the trade name of Marvel Laboratories, in which answers respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Fred B. Peake and William H. Roose, individually and as copartners trading under the name Marvel Laboratories, or trading under any other name, and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' product designated "Marvel Coal-Pep" and "Economy Coal-Saver," or any other product of substantially similar composition, whether sold under the same names or under any other name, do forthwith cease and desist from:

Representing in any manner whatsoever that said product will aid in the combustion of coal so as to produce more heat therefrom; that it will, when added to coal, save one-third or any other appreciable amount in the cost of coal; that it will make coal burn better or create a steadier, more even heat; that it will reduce or eliminate ashes, soot, smoke, or dirt; that it will create or produce an amount of oxygen sufficient to affect the burning or heating qualities of coal; that it will save labor in handling coal or ashes; that it will purify the air of gases resulting from the combustion of coal; that it will reduce evaporation and help preserve the heating elements in coal; or that said product is the biggest money

making specialty ever offered sales people.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-12853; Filed, December 4, 1942; 11:15 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5192]

PART 301—TAXES ON ADMISSIONS, DUES AND INITIATION FEES

MISCELLANEOUS AMENDMENTS

Sections 101.0, 101.1, 101.13 and 101.14 of Regulations 43 (1941 edition) amended.[1]

In order to conform Regulations 43 (1941 edition) [Part 101, Title 26, Code of Federal Regulations, 1941 Sup.], relating to taxes on admissions, dues, and initiation fees under Chapter 10 of the Internal Revenue Code, as amended, to sections 511 and 622 of the Revenue Act of 1942 (Public Law 753, Seventy-seventh Congress, second session), approved October 21, 1942, such regulations are hereby amended as follows:

PARAGRAPH 1. The words appearing in the parenthesis in the heading "Part 101" immediately preceding "Subpart A.—Introductory" are amended by adding at the end thereof "and the Revenue Act of 1942."

PAR. 2. The first sentence of § 101.0 is amended by changing the period at the end thereof to a comma and adding thereafter the following: "and section 622, Title VI, of the Revenue Act of 1942."

PAR. 3. Immediately preceding § 101.1 there is inserted the following:

SEC. 511. DEFINITION OF MILITARY OR NAVAL FORCES OF THE UNITED STATES. (Revenue Act of 1942, Title V.)

Section 3797 (a) (15) is amended to read as follows:

(15) *Military or Naval Forces of the United States.*—The term "military or naval forces of the United States" includes the Marine Corps, the Coast Guard, the Army Nurse Corps, Female, the Women's Army Auxiliary Corps, the Navy Nurse Corps, Female, and the Women's Reserve branch of the Naval Reserve.

SEC. 601. EFFECTIVE DATE OF THIS TITLE. (Revenue Act of 1942, Title VI.)

This title shall take effect on the first day of the first month which begins more than 10 days after the date of the enactment of this Act.

PAR. 4. The last paragraph of § 101.1 is amended by adding at the end thereof the following sentence: "The amendments made by section 622 of the Revenue Act of 1942 became effective November 1, 1942."

PAR. 5. Immediately preceding § 101.13 there is inserted the following:

SEC. 622. CABARET TAX. (Revenue Act of 1942, Title VI.)

Section 1700 (c) (1) (relating to rate of cabaret tax) is amended to read as follows:

(1) *Rate.*—A tax equivalent to 5 per centum of all amounts paid for admission, refreshment, service, or merchandise, at any roof garden, cabaret, or other similar place furnishing a public performance for profit, by or for any patron or guest who is entitled to be present during any portion of such performance. The term "roof garden, cabaret, or other similar place" shall include any room in any hotel, restaurant, hall, or other public place where music and dancing privileges or any other entertainment, except instrumental or mechanical music alone, are afforded the patrons in connection with the serving or selling of food, refreshment, or merchandise. A performance shall be regarded as being furnished for profit for purposes of this section even though the charge made for admission, refreshment, service, or merchandise is not increased by reason of the furnishing of such performance. No tax shall be applicable under subsection (a) (1) on account of an amount paid with respect to which tax is imposed under this subsection.

PAR. 6. The first two paragraphs of § 101.13 are amended to read as follows:

The tax imposed by section 1700 (c), as amended by section 542 of the Revenue Act of 1941 and section 622 of the Revenue Act of 1942, applies to all amounts paid for admission, refreshment, service, and merchandise, at any roof garden, cabaret, or other similar place furnishing a public performance for profit, by or for any patron or guest who is entitled to be present during any portion of such performance. The tax is at the rate of 5 per cent of the total amounts so paid.

Charges collected prior to commencement of a performance are not taxable with respect to such performance, if the patron does not remain for any part of the performance.

PAR. 7. The first two paragraphs of § 101.14 are amended to read as follows:

§ 101.14 *Scope of tax.* The term "roof garden, cabaret, or other similar place" includes any room in any hotel, restaurant, hall, or other public place where music and dancing privileges or any other entertainment, except instrumental or mechanical music alone, are afforded the patrons in connection with the serving or selling of food, refreshment, or merchandise. A public performance furnished at a roof garden, cabaret or other similar place shall be regarded as being furnished for profit for purposes of this section even though the charge made for admission, refreshment, service, or merchandise is not increased by reason of the furnishing of such performance.

Where music, whether by an orchestra, a mechanical device, or otherwise, and a space in which the patrons may dance is furnished in the dining room of a hotel, or in a restaurant, bar, etc., the entertainment constitutes a public performance for profit at a roof garden, cabaret, or similar place, and the payments made for admission, refreshment, service, and merchandise are subject to the tax.

Amounts paid for refreshment, service, or merchandise in a room which is entirely separate from the room in which entertainment is furnished are not subject to tax, provided that the patrons in such separate room may not witness the entertainment and any door in the wall or partition separating the two rooms remains closed during the period of the entertainment except when persons pass from one room to the other.

(Sec. 622 of the Revenue Act of 1942 (Pub. Law 753, 77th Congress, second session), and section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U.S.C., 1940 ed., 3791))

GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: December 3, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-12884; Filed, December 4, 1942; 11:41 a. m.]

[T. D. 5191]

PART 320—RETAILERS'[1] EXCISE TAXES

MISCELLANEOUS AMENDMENTS

In order to conform Regulations 51 [Part 320, Title 26, Code of Federal Regulations, 1941 Sup.], relating to the retailers' excise taxes on sales of jewelry, furs, and toilet preparations under the Internal Revenue Code, to sections 511, 601, 613, 618 (a), and 623 of the Revenue Act of 1942 (Public Law 753—77th Congress, 2d Session), such regulations are further amended as follows:

PARAGRAPH 1. Immediately preceding the quotation of section 2404 of the Internal Revenue Code, which appears immediately before § 320.1, there is inserted the following:

SEC. 511. DEFINITION OF MILITARY OR NAVAL FORCES OF THE UNITED STATES. (Revenue Act 1942, Title V.)

Section 3797 (a) (15) is amended to read as follows:

(15) *Military or naval forces of the United States.*—The term "military or naval forces of the United States" includes the Marine Corps, the Coast Guard, the Army Nurse Corps, Female, the Women's Army Auxiliary Corps, the Navy Nurse Corps, Female, and the Women's Reserve branch of the Naval Reserve.

PAR. 2. Section 320.1 is amended by adding the following new paragraph:

(j) The term "armed forces of the United States" means the "military or naval forces of the United States" as defined by section 3797 (a) (15) of the Code, as amended by section 511 of the Revenue Act of 1942.

PAR. 3. There is inserted immediately preceding § 320.2 the following:

SEC. 601. EFFECTIVE DATE OF THIS TITLE. (Revenue Act of 1942, approved October 21, 1942; Title VI.)

This title shall take effect on the first day of the first month which begins more than 10 days after the date of the enactment of this Act.

[1] 6 F.R. 5367, 5371.

[1] 6 F.R. 4965.

PAR. 4. Section 320.2 is amended by adding the following sentence at the end thereof:

The amendment by section 613 of the Revenue Act of 1942 of section 2400, relating to the tax on jewelry, etc.; the amendment by section 623 of the Revenue Act of 1942 of section 2402 (b), relating to the sale and use of toilet preparations by beauty parlors, etc., and the amendment by section 618 of the Revenue Act of 1942 of section 2405, relating to leases, conditional sales, etc., became effective in each case on November 1, 1942.

PAR. 5. There is inserted immediately preceding § 320.10 the following:

SEC. 618. SALE UNDER CHATTEL MORTGAGE. (Revenue Act of 1942, Title VI.)

(a) *Retail sales taxes.*—Section 2405 (relating to tax where article sold under installment or conditional sale contract) is amended by striking out "or (c) a conditional sale" and inserting in lieu thereof the following: "(c) a conditional sale, or (d) a chattel mortgage arrangement wherein it is provided that the sales price shall be paid in installments."

* * * * *

PAR. 6. Section 320.10 is amended to read as follows:

§ 320.10 *Basis of tax on leases, installment sales, conditional sales, and sales under chattel mortgage arrangements.* Special provision is made in the law for computing taxes due in the case of leases of articles, installment sales, so-called conditional sales and sales made on and after November 1, 1942 (see § 320.2) under chattel mortgage arrangements. The term "lease" means a continuous right to the possession or use of a particular article for a period of time. It does not include the use of an article merely as occasion demands, but the contract must give the lessee the right to possess or use the article, without interruption, for a period of time.

Where an article is (1) leased by the retailer, (2) sold under an installment-payment contract with title reserved, (3) sold under a conditional-sale contract with payments to be made in installments, or (4) sold on or after November 1, 1942 under a chattel mortgage arrangement, with payments to be made in installments, a proportionate part of the total tax shall be paid upon each payment made with respect to the article. The tax is to be returned and paid to the collector during the month following that in which the payment is made.

In the case of an article taxable under sections 2400 (relating to jewelry, etc.) and 2401 (relating to furs), the tax does not apply when (1) the lease, or installment sale, or conditional sale contract, (2) delivery of the article under the contract, and (3) payment of a part of the consideration, were made prior to October 1, 1941. In the case of an article sold prior to November 1, 1942 under a chattel mortgage arrangement, the tax is payable upon the full sales price at the time the sale was made, regardless of whether provision is made for the payment of the sales price in installments.

PAR. 7. There is inserted immediately preceding § 320.30 the following:

SEC. 613. EXEMPTION OF INSIGNIA, ETC., USED IN CONNECTION WITH UNIFORMS OF THE ARMED FORCES FROM JEWELRY TAX. (Revenue Act of 1942, Title VI.)

The second sentence of section 2400 (relating to exemption from jewelry tax) is amended to read as follows: "The tax imposed by this section shall not apply to any article used for religious purposes, to surgical instruments, to watches designed especially for use by the blind, to frames or mountings for spectacles or eye-glasses, to a fountain pen or smokers' pipe if the only parts of the pen or the pipe which consist of precious metals are essential parts not used for ornamental purposes, or to buttons, insignia, cap devices, chin straps, and other devices prescribed for use in connection with the uniforms of the armed forces of the United States."

PAR. 8. The last paragraph of § 320.33 is amended to read as follows:

Examples of other articles which become subject to the tax when ornamented, mounted or fitted with, precious metals or imitations thereof are umbrellas, walking sticks, cigarette lighters, shoe buckles, etc. If, in the case of a fountain pen sold on and after October 1, 1941, or of a smoker's pipe sold on or after November 1, 1942 (see § 320.2), the only parts which consist of precious metals are essential parts not used for ornamental purposes, such fountain pen or smoker's pipe is not subject to the tax. However, if a fountain pen or smoker's pipe is otherwise ornamented, mounted or fitted with, precious metals or imitations thereof, it will be subject to tax when sold by the retailer.

PAR. 9. The second sentence of § 320.34 is amended to read as follows:

The term "watches and clocks" includes all time-measuring devices whether actuated by weights, springs, or electrical energy, except watches sold on and after November 1, 1942 which are designed especially for use by the blind. (See § 320.2.)

PAR. 10. The first paragraph of § 320.37 is amended to read as follows:

§ 320.37 *Exemption.* Under the specific provisions of the Code the tax does not attach to the sale on and after October 1, 1941 of surgical instruments, frames or mountings for spectacles or eye-glasses, or articles used for religious purposes; nor does the tax attach to the sale on and after November 1, 1942 of buttons, insignia, cap devices, chin straps, and other devices prescribed for use in connection with the uniforms of the armed forces of the United States. (See § 320.2.) For definition of "armed forces of the United States," see § 320.1 (j). For exemptions in the case of certain kinds of fountain pens, smokers' pipes, and watches, see §§ 320.33 and 320.34.

PAR. 11. There is inserted immediately preceding § 320.52 the following:

SEC. 623. SALE AND USE OF TOILET PREPARATIONS BY BEAUTY PARLORS, ETC. (Revenue Act of 1942, Title VI.)

Section 2402 (b) is amended to read as follows:

(b) *Beauty parlors, etc.*—For the purposes of subsection (a), the sale of any article described in such subsection to any person operating a barber shop, beauty parlor, or similar establishment for use in the operation thereof and not for resale, shall be considered a sale at retail. The use in such operation of any article described in subsection (a) purchased by such person on or after the effective date of section 622 of the Revenue Act of 1942 for resale, shall be considered a sale at retail by such person at the time the article is first set apart for such use and at a price equivalent to the amount paid by him for the article.

PAR. 12. Section 320.52 is amended to read as follows:

§ 320.52 *Sales to beauty parlors, etc.*—(a) *Sales made during the period October 1, 1941 through October 31, 1942, both dates inclusive.* Any person who, during the period October 1, 1941 through October 31, 1942, both dates inclusive, sells toilet preparations taxable under Section 2402 (a) to another person operating a barber shop, beauty parlor, or similar establishment, whether for use in the operation thereof or for resale purposes, shall be deemed to have sold such articles at retail and must make a return and pay tax on all such sales as provided in §§ 320.60 and 320.61 Where the operator of a barber shop, beauty parlor, or similar establishment resells such articles at retail, he is liable on the resale for the tax imposed by section 2402 (a). However, in determining the tax to be paid by the operator on such resales before November 1, 1942, a credit may be taken in the amount of the tax paid by the operator's vendor under section 2402 (a). (See § 320.65.)

(b) *Sales made on and after November 1, 1942.* Any person who, on and after November 1, 1942 (see § 320.2, sells toilet preparations taxable under section 2402 (a) to another person operating a barber shop, beauty parlor, or similar establishment for use in the operation thereof and not for resale, shall be deemed to have sold such articles at retail and must make a return and pay tax on all such sales as provided in § 320.60. No tax attaches to the sale of such articles on and after November 1, 1942, to any person operating a barber shop, beauty parlor, or similar establishment for the express purpose of resale.

The sale of any article described in section 2402 (a) to any person operating a barber shop, beauty parlor, or similar establishment shall be presumed to be made for use in the operation thereof, unless (1) at the time of sale, the vendor is furnished by the vendee with a "certificate of purchase for resale" substantially in the form as outlined herein, or (2) (if such certificate is not furnished at that time) the vendor has written evidence at the time of sale showing that the sale is made for resale and the vendor is subsequently furnished with a "certificate of purchase for resale". Where the "certificate of purchase for resale" is not furnished at the time of sale, the evidence required to be had by the vendor is not restricted to any particular form

of document, so long as such evidence is in writing and shows that the sale is made for resale and not for use in the operation of the barber shop, beauty parlor, or similar establishment.

Where a sale is made for resale purposes and the "certificate of purchase for resale" is obtained prior to the time the retailer makes his return for the month in which the sale is made, no tax on such sale should be included in his return. If the "certificate of purchase for resale" is not so obtained, the retailer must include the tax on such sale in his return for the month in which the sale is made. However, if the "certificate of purchase for resale" is later obtained, a claim for refund of the tax paid may be filed on Form 843, or a credit taken upon a subsequent return, but such action must be taken within the four-year period of limitation prescribed by section 3313 of the Internal Revenue Code.

The articles covered by the "certificate of purchase for resale" must be fully identified as to nature, quantity and date of sale.

Following is the form of "certificate of purchase for resale" which shall be adhered to in substance:

CERTIFICATE OF PURCHASE FOR RESALE

(For use by operators of barber shops, beauty parlors, or similar establishments in purchasing for resale purposes articles described in section 2402 (a) of the Internal Revenue Code).

_____19_____
Date

The undersigned purchaser hereby certifies that he is an operator of_____
(State business in which engaged)
_____ and that the
_____in the order cov-
(State article purchased)
ered by this certificate or on the reverse side hereof will be resold by him and not used in the operation of his business.

The undersigned understands that if the articles are used by him in the operation of his barber shop, beauty parlor, or similar establishment, or resold by him at retail, he will be liable for tax on such use or resale. It is understood that the fraudulent use of this certificate to secure exemption will subject the undersigned and all guilty parties to a fine of not more than $10,000 or to imprisonment for not more than five years or both, together with costs of prosecution. The undersigned also understands that he must be prepared to establish by competent evidence that the article was actually purchased for the purpose for which stated in this certificate.

_____
(Name)

_____
(Address)

If it is impracticable to furnish a separate certificate for each order or contract, a certificate covering all orders between given dates (such period not to exceed a month) will be acceptable. Such certificate and proper records of invoices, orders, etc., relative to tax-free sales must be retained as provided in § 320.62. Where, upon inspection, it is discovered that the records of a retailer with respect to any sale claimed to be tax-free do not contain a proper certificate, as outlined above, with supporting invoices and such other evidence as may be necessary to establish the exempt character of the sale, the tax shall be payable by the retailer on such sale.

In any case where the operator of a barber shop, beauty parlor, or similar establishment uses in the operation of his business any article which was purchased by him on or after November 1, 1942, for resale purposes, such use shall be considered a sale at retail by such operator at the time the article is first set apart for such use. The tax shall be computed at a price equivalent to the amount paid by such person for the article. Where the operator of a barber shop, beauty parlor or similar establishment resells at retail on or after November 1, 1942, any article previously purchased by him, such operator will be liable for the tax imposed under section 2402 (a) on such resale irrespective of the purpose for which such article was purchased. In determining the amount of tax to be paid by the operator on such resale on or after November 1, 1942, no credit or refund will be allowable for any amount which might previously have been paid as tax to the United States with respect to any prior sale of such article.

PAR. 13. There is inserted immediately preceding § 320.64 the following:

SEC. 623. SALE AND USE OF TOILET PREPARATIONS BY BEAUTY PARLORS, ETC. (Revenue Act of 1942, Title VI.)

Section 2102 (b) is amended to read as follows:

(b) *Beauty parlors, etc.* For the purposes of subsection (a), the sale of any article described in such subsection to any person operating a barber shop, beauty parlor, or similar establishment for use in the operation thereof and not for resale, shall be considered a sale at retail. The use in such operation of any article described in subsection (a) purchased by such person on or after the effective date of section 622 of the Revenue Act of 1942 for resale, shall be considered a sale at retail by such person at the time the article is first set apart for such use and at a price equivalent to the amount paid by him for the article.

PAR. 14. Section 320.65 is amended to read as follows:

§ 320.65 *Sales by beauty parlors, etc.* Whenever any person operating a barber shop, beauty parlor, or similar establishment becomes liable for tax under section 2402 (a) by reason of his resale prior to November 1, 1942, of toilet preparations purchased by him tax-paid under such section at any time during the period October 1, 1941 through October 31, 1942, both dates inclusive, a credit against the tax due on the resale may be allowed in the amount of the tax paid by the operator's vendor under section 2402 (a), except that in no case shall the amount of the credit exceed the amount of tax payable by the operator. (For procedure in the case of articles purchased on and after November 1, 1942, see § 320.52 (b).) If an article is purchased tax-paid prior to November 1, 1942, and resold by the operator on or after that date, tax attaches to the full selling price and no credit may be taken for the tax paid on the sale to such operator.

(Secs. 511, 601, 613, 618 (a), and 623 of the Revenue Act of 1942 (Pub. Law 753, 77th Congress, 2d Session), and section 3791 of the Internal Revenue Code (53 Stat., 467; 26 U.S.C., 1940 ed., 3791))

GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: December 3, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-12365; Filed, December 4, 1942; 11:41 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Order No. 75]

MEDICAL LAKE HOSPITAL PROJECT, WASHINGTON

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Medical Lake Hospital Project to be work of national importance, to be known as Civilian Public Service Camp No. 75. Said project, located at Medical Lake, Spokane County, Washington, will be the base of operations for work at the Eastern State Hospital, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said Medical Lake Hospital Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent, Eastern State Hospital, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Eastern State Hospital. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

DECEMBER 2, 1942.

[F. R. Doc. 42-12318; Filed, December 3, 1942; 2:26 p. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-171]

RUDOLPH KHOL

Rudolph Khol, a building contractor, 13614 Southview Avenue, Cleveland, Ohio, has been engaged in the business of building houses in the City of Cleveland and vicinity. After April 9, 1942,

without the authorization of the War Production Board, he began construction of a residential house at 423 Judson Drive, Cleveland, Ohio, estimated to cost $5,600.00. Such construction was begun in disregard of the provisions of Conservation Order No. L-41, with which Rudolph Khol was familiar, and constituted wilful violation of that order. The house has now been completed and is ready for occupancy.

This violation of Conservation Order No. L-41 has hampered and impeded the war effort of the United States by diverting scarce materials to uses prohibited by the War Production Board. In view of the foregoing: *It is hereby ordered,* That:

§ 1010.171 *Suspension Order S-171.* (a) No application for authorization to begin construction of any house, building, structure or project filed by Rudolph Khol, his successors and assigns, shall be granted by the War Production Board.

(b) Deliveries of material to Rudolph Khol, his successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) No allocation shall be made to Rudolph Khol, his successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(d) No defense housing project or other construction with which Rudolph Khol is directly or indirectly connected or upon which he is employed shall be accorded priorities assistance by the issuance of any preference rating certificate, preference rating order, general preference order or any other order of the Director of Industry Operations or the Director General for Operations.

(e) Nothing contained in this order shall be deemed to relieve Rudolph Khol, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(f) This order shall take effect December 5, 1942, and shall expire on February 6, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12829; Filed, December 3, 1942; 3:15 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-172]

SINCLAIR REFINING COMPANY

The Sinclair Refining Company is a corporation engaged in the supply of petroleum products. It is a supplier within the meaning of Limitation Order L-70. During the month of May, 1942, it made deliveries of motor fuel to eleven service stations located in and near Charleston, South Carolina, substantially in excess of the quota established for those stations under the provisions of Limitation Order L-70.

The overdeliveries of motor fuel by the Sinclair Refining Company were caused by the Company's reliance upon an unjustifiable interpretation of Limitation Order L-70 and constituted a wilful violation of that order which has hampered and impeded the war effort. In view of the foregoing facts, *It is hereby ordered,* That,

§ 1010.172 *Suspension Order S-172.* (a) The Sinclair Refining Company, its successors and assigns, shall not deliver or cause to be delivered, directly or indirectly, during the months of December, 1942, and January, 1943, quantities of motor fuel to the following eleven stations located in and near Charleston, South Carolina, in excess of the amounts set forth for each station.

Names and addresses	To be delivered	
	December	January
	Gallons	*Gallons*
John Anastad, Grove & King Streets	3788	2304
R. L. Banks, Market & Meeting Sts	6427	4958
O. M. Dantzler, Cosgrove Ave & US #52	11959	10812
N. F. Douty US #40, Mt. Pleasant, S. C.	8144	7645
Carl Ellington, Reynolds & US #52	7289	7459
Billy Grauer, Ashby Ave & Mills St	3625	3369
R. W. Hull, King & Herrot Sts	4261	4394
D. F. Miles, Calhoun & Cummings Sts	12638	10891
L. C. Roach, E. Bay and Market Sts	7936	8593
T. G. Slaughter, Cosgrove & Montague	14994	15311
G. A. Wulbern, New & Trodd Street	1993	1136

(b) Nothing contained in this order shall be deemed to relieve the Sinclair Refining Company, its successors and assigns, from any restriction, prohibition or provision of any order or regulation of the Director of Industry Operations or the Director General for Operations except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect December 1, 1942 and shall expire January 31, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12830; Filed, December 3, 1942; 3:15 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-174]

GILBERT S. SINCLAIR

Gilbert S. Sinclair owns and operates cocktail lounges and cafes in Buena Park, California, Wilmington, California, and Long Beach, California.

Subsequent to September 7, 1942, without the authorization of the Director General for Operations of the War Production Board, Gilbert S. Sinclair began construction (as defined in Conservation Order L-41) of a cocktail lounge and cafe located at 404-412 West Pacific Coast Highway, Long Beach, California, at an estimated cost in excess of $200.00. Such construction was begun in disregard of the provisions of Conservation Order L-41, as amended September 2, 1942, with which Gilbert S. Sinclair was familiar, and constituted a wilful violation of that order.

This violation of Conservation Order L-41 has hampered and impeded the war effort of the United States by diverting scarce materials to uses prohibited by the War Production Board. In view of the foregoing facts: *It is hereby ordered,* That:

§ 1010.174 *Suspension Order S-174.* (a) Neither Gilbert S. Sinclair nor any other person shall order, purchase, accept delivery of, withdraw from inventory, or in any other manner secure or use material or construction plant in

order to continue or complete construction of the cocktail lounge and cafe located at 404–412 West Pacific Coast Highway, Long Beach, California, except as specifically authorized by the Director General for Operations.

(b) For a period of six months from the effective date of this order no application filed by Gilbert S. Sinclair or any other person for authorization to complete the cocktail lounge and cafe located at 404–412 West Pacific Coast Highway, Long Beach, California, shall be granted.

(c) For a period of six months from the effective date of this order, deliveries of material to Gilbert S. Sinclair, his successors and assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference ratings shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(d) For a period of six months from the effective date of this order, no allocation shall be made to Gilbert S. Sinclair, his successors and assigns, or any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(e) Nothing contained in this order shall be deemed to relieve Gilbert S. Sinclair from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(f) This order shall take effect on December 7, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12831; Filed, December 3, 1942; 3:15 p. m.]

PART 3134—DAIRY PRODUCTS

[Conservation Order M-271]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of milk and milk products for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3134.2 *Conservation Order M-271*—(a) *Definitions.* For the purposes of this order:

(1) "Producer" means any person engaged in the commercial manufacture of frozen milk desserts or mix.

(2) "Frozen milk dessert" means ice cream, frozen custard, ice milk, milk sherbet and any other frozen or partially frozen combination of milk or milk products with other food products, flavors, color, or stabilizer. This includes any such dessert produced from mix.

(3) "Mix" means the liquid or dried unfrozen combination of the ingredients of a frozen milk dessert.

(b) *Restrictions on manufacture.* During each of the months of December 1942, and January 1943,

(1) No producer shall, in the manufacture of frozen milk desserts or mix, use:

(i) More than 60% of the total milk fat and 60% of the total milk solids not fat so used by him during October 1942; or

(ii) Formulas not used by him during October 1942. A change in flavors or colors shall not be considered a change in formulas.

(2) Notwithstanding the restriction of paragraph (b) (1), any producer may manufacture a combined total of 60 gallons of frozen milk desserts or mix per month.

(c) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds for the appeal.

(d) *Reports.* Any person affected by this order shall file such reports and questionnaires as the War Production Board may request from time to time.

(e) *Records.* Every person to whom this order applies shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(f) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(h) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Food Division, Washington, D. C. Ref.: M-271.

(i) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 4th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12856; Filed, December 4, 1942; 11:26 a. m.]

PART 1038—GRAPHITE

[Conservation Order M-61 as Amended Dec. 4, 1942]

Part 1038—Madagascar Flake Graphite is hereby amended to read:

Part 1038—Graphite.

Section 1038.1 *Conservation Order M-61* is hereby amended so as to read as follows:

§ 1038.1 *Conservation Order M-61*—(a) *Definitions.* For the purposes of this order:

(1) "Put into process" means the first change by a person in the form of material from that form in which it is received by him.

(2) "Strategic graphite" means crystalline graphite (in flake, lump or chip form) that will stand on a No. 50 mesh screen, U. S. Sieve Series.

(3) "Jobber" means a person in the United States who does not manufacture but regularly stocks crucibles for distribution to others.

(b) *Restrictions on use of strategic graphite.* No person shall put into process for any purpose any strategic graphite, except pursuant to the specific authorization of the Director General for Operations.

(c) *Restrictions on delivery of crucibles and other articles containing strategic graphite.* No person shall, without the specific authorization of the Director General for Operations, deliver any crucible containing strategic graphite to any person other than a jobber, and no person other than a jobber shall, without the specific authorization of the Director General for Operations, accept delivery of any such crucible; nor shall any person deliver or accept delivery of any article containing strategic graphite other than a crucible, except pursuant to the specific authorization of the Director General for Operations, unless such strategic graphite was put into process prior to February 17, 1942. On and after December 4, 1942, no preference rating shall have any force or effect with respect to deliveries of crucibles containing strategic graphite.

(d) *Restrictions on delivery of strategic graphite.* No person shall deliver and no person other than Metals Reserve Company shall accept delivery of any strategic graphite, except pursuant to the specific authorization of the Director General for Operations.

(e) *General exception.* Where and to the extent the use of any less scarce material is impracticable, the prohibitions, limitations and restrictions contained in paragraph (b) hereof shall not apply to the putting into process of strategic graphite when such graphite is to be physically incorporated into any item which is being produced for delivery under a contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, if in any such case the use of strategic graphite to the extent employed is required by the specifications of the prime contract; and the prohibitions and restrictions contained in paragraph (c) hereof shall not apply to the delivery or acceptance of delivery, pursuant to such a contract or subcontract, of any item if its manufacture was exempted under the provisions of this paragraph.

(f) *Applications for specific authorization.* (1) Any person other than a jobber seeking specific authorization from the Director General for Operations to accept delivery of any crucibles containing strategic graphite, shall apply periodically on Form PD-575 to the Director General for Operations for authority to do so and also for authority for his supplier to deliver such crucibles. This form must be filed with the War Production Board by the 20th day of the month prior to the first month in which any delivery of such crucibles is sought, except that in an emergency this form may be filed at any time.

(2) Any person seeking specific authorization from the Director General for Operations to accept delivery of any strategic graphite to be used for the purpose of making crucibles or seeking specific authorization to put any strategic graphite into process for the purpose of manufacturing crucibles, shall apply monthly on Form PD-303B to the Director General for Operations for authority to do so and also for authority for a supplier to make any deliveries of such graphite which the applicant is authorized to receive.

(3) Any person seeking specific authorization from the Director General for Operations to accept delivery of any article containing strategic graphite other than a crucible, shall apply for such authority by letter and by the same letter he shall apply for authority for the proposed manufacturer of the article to put into process such strategic graphite and, if need be, for authority for such manufacturer to acquire strategic graphite for the purpose indicated. Such letter shall state the name of the applicant, the name of the proposed manufacturer of the article, the name of the person from whom the manufacturer is to acquire strategic graphite, if any, and the use to which the article is to be put.

(g) *Reports.* All persons having in their possesion or processing strategic graphite, or crucibles or other articles manufactured with strategic graphite, shall file reports with the War Production Board at such times and in such manner and form as it may prescribe, showing inventory, purchases, sales and consumption of such graphite or articles manufactured therewith and such other information as the War Production Board may from time to time require.

(h) *Miscellaneous provisions*—(1) *Appeals.* Any person affected by this order who considers that compliance therewith would disrupt or impair war work may appeal to the War Production Board, Washington, D. C., Ref.: M-61, setting forth the pertinent facts and the reason he considers he is entitled to relief.

(2) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(3) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the putting into process of material in all articles manufactured and to deliveries of articles or material made irrespective of whether such articles are manufactured or such deliveries are made pursuant to a contract made prior or subsequent to February 17, 1942. Insofar as any other order of the Director General for Operations, Director of Industry Operations or of the Director of Priorities may have the effect of limiting or curtailing to a greater extent than herein provided the delivery or putting into process of strategic graphite or the delivery of any products made therewith, the limitations of such other order shall be observed.

(4) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Mica-Graphite Division, Washington, D. C., Ref.: M-61.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 4th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12857; Filed, December 4, 1942; 11:26 a. m.]

PART 3080—CHEMICAL FERTILIZERS

[Conservation Order M-231 as Amended December 4, 1942]

CHEMICAL NITROGEN

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of chemical nitrogen for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3080.1 *Conservation Order M-231*—(a) *Definitions.* For the purposes of this order:

(1) "Chemical fertilizer" means any material used as a plant food containing one or more of the following: nitrogen, phosphorus or potassium, excluding, however, animal manures and animal, fish and plant residues, unless mixed with a chemical fertilizer.

(2) "Grade" means the minimum guaranteed plant food content of any fertilizer expressed in percentages of its principal plant food components; namely, nitrogen, available phosphoric acid and water-soluble potash. In expressing grades the percentage of nitrogen content is stated first, the percentage of available phosphoric acid is stated second, and the percentage of water-soluble potash is stated third. For example, 2-12-6 means a fertilizer containing 2 percent nitrogen, 12 percent phosphoric acid and 6 percent potash; 0-14-7 means a fertilizer containing no nitrogen, 14 percent phosphoric acid and 7 percent potash.

(3) "Superphosphate" means any plant food product which is obtained by mixing rock phosphate with either or both sulfuric acid and phosphoric acid.

(4) "Potash" means any compound of potassium containing, or capable of releasing in the soil, any water-soluble compound of potassium including, but not limited to, muriate of potash, sulfate of potash or manure salts.

(5) "Organic nitrogen" means nitrogen derived from any plant or animal organism containing nitrogen, including, but not limited to, animal, fish and other tankages, castor pumace, tobacco stems, cotton seed meal, peanut meal, soy bean meal, sewage sludge, cocoa shell meal, peat and humus.

(6) "Chemical nitrogen" means any nitrogen, other than organic nitrogen, including, but not limited to, ammonium sulfate, sodium nitrate, calcium cyanamid, urea and nitrogen-bearing solutions.

(7) "Fertilizer manufacturer" means any person who manufactures or mixes chemical fertilizer.

(8) "Dealer" means any person, other than a fertilizer manufacturer, who purchases or has purchased chemical fertilizer for resale.

(9) "Agent" means any person, other than a fertilizer manufacturer, who receives or has received chemical fertilizer on a consignment basis for resale.

(b) *Restrictions on use and delivery of fertilizer.* (1) On and after December 4, 1942, no fertilizer manufacturer, dealer or agent, shall, subject to the exemptions provided for in paragraph (c) hereof, deliver, and no person, including fertilizer manufacturers, dealers and agents, shall use on crops, in any of the states listed in Schedule A attached hereto, any grade of chemical fertilizer other than the grades designated on such schedule as applicable to the respective states listed thereon, and where a particular grade is designated on such schedule as available only for a particular crop, such grade shall be sold or used only for the production of such crop.

(2) In addition to the restrictions provided for in paragraph (b) (1) hereof, but subject to the exemptions provided for in paragraph (c) hereof, on and after December 4, 1942:

(i) No fertilizer manufacturer, dealer or agent shall deliver any chemical fertilizer containing chemical nitrogen for use in 1942 on grain sown in the fall of 1942 to be harvested for grain, and no person, including fertilizer manufacturers, dealers and agents, shall use any chemical fertilizer containing chemical nitrogen for such purpose.

(ii) No fertilizer manufacturer, dealer or agent shall deliver any chemical fertilizer containing chemical nitrogen for use on lawns, golf courses, parks, cemeteries, roadsides or noncommercial plantings of trees, shrubs or flowers, and no person, including fertilizer manufacturers, dealers and agents, shall use any chemical fertilizer containing chemical nitrogen for any of such purposes. The restriction provided for in this paragraph (b) (2) (ii) shall apply to the use by any landscape gardener or nurseryman of any chemical fertilizer containing chemical nitrogen, on trees, shrubs or flowers planted on the premises of his customers.

(iii) No fertilizer manufacturer, dealer or agent shall deliver any chemical fertilizer containing chemical nitrogen in packages of less than one hundred (100) pounds: *Provided, however,* That any fertilizer manufacturer, dealer or agent holding stocks of chemical fertilizer containing chemical nitrogen in bags of not less than eighty (80) pounds on September 12, 1942, or having stocks of fertilizer bags of not less than eighty (80) pounds capacity on September 12, 1942, shall have the right to deliver chemical fertilizer containing chemical nitrogen in packages of not less than eighty (80) pounds until such time as his existing stock of chemical fertilizer in bags of not less than eighty (80) pounds, and of fertilizer bags of not less than eighty (80) pounds capacity, is exhausted.

(iv) No fertilizer manufacturer, dealer or agent shall, prior to December 1, 1942, deliver any chemical fertilizer containing chemical nitrogen except for use during 1942.

(v) No fertilizer manufacturer shall deliver to any consumer any superphosphate which carries less than 18% available phosphoric acid except as specifically designated on Schedule A hereof.

(3) No person shall accept delivery of any chemical fertilizer which he knows or has reason to believe is made in violation of this order.

(c) *Exemptions.* (1) The restrictions provided for in paragraph (b) (1) hereof, shall not apply to:

(i) Deliveries by dealers or agents of stocks of unapproved grades of chemical fertilizer in their hands on September 12, 1942, or to the use by any person of any chemical fertilizer delivered pursuant to this paragraph (c) (1) (i) or to the use by any person of any chemical fertilizer on hand on September 12, 1942.

(ii) Deliveries by any person of any chemical fertilizer to a fertilizer manufacturer for use in the manufacture of chemical fertilizer.

(iii) Deliveries of any chemical fertilizer containing nitrogen where the entire nitrogen content thereof consists of organic nitrogen, or to the use by any person of any chemical fertilizer delivered pursuant to this paragraph (c) (1) (iii).

(iv) Deliveries by any fertilizer manufacturer of stocks of unapproved grades of chemical fertilizer held on September 12, 1942, in any warehouse located fifty miles or more from his nearest fertilizer plant, or to the use by any person of any chemical fertilizer delivered pursuant to this paragraph (c) (1) (iv): Provided,

however, That each fertilizer manufacturer desiring to make any delivery under this paragraph (c) (1) (iv) shall file with the War Production Board prior to making any such delivery, and in any event on or before December 31, 1942, a certificate in substantially the following form:

The undersigned hereby certifies to the War Production Board that he had the following amounts of each of the grades of chemical fertilizer listed below in the warehouses indicated and that the distance between each such warehouse and the undersigned's nearest plant is fifty miles or more:

Grade	*Quantity*	*Warehouse (Indicate location)*

Manufacturer

By ---
Authorized officer

Date ------ Title ---

(2) The restrictions provided for in paragraphs (b) (1) and (b) (2) hereof, shall not apply to:

(i) Deliveries of chemical fertilizer for experimental purposes to educational institutions or publicly owned agricultural institutions, or to the use of chemical fertilizer by such institutions for such purposes.

(ii) Deliveries by fertilizer manufacturers, dealers or agents of any chemical fertilizer in their hands, and packaged in packages containing less than eighty (80) pounds, on September 12, 1942, or to the use by any person of any chemical fertilizer delivered pursuant to this paragraph (c) (2) (ii).

(iii) Deliveries by fertilizer manufacturers, dealers or agents of any chemical fertilizer in pressed tablet form in their hands, or manufactured from raw materials in their hands, on September 12, 1942, or to the use by any person of any chemical fertilizer delivered pursuant to this paragraph (c) (2) (iii).

(iv) Deliveries by fertilizer manufacturers, dealers or agents of any chemical fertilizer prepared exclusively for use in hydroponics, either in the form of a completely soluble powder or in the form of a liquid, in their hands, or manufactured from raw materials in their hands on September 12, 1942, or to the use by any person of any chemical fertilizer delivered pursuant to this paragraph (c) (2) (iv).

(v) Deliveries by fertilizer manufacturers, dealers or agents of any chemical fertilizer, including chemical fertilizer containing chemical nitrogen, for use on new plantings of grass on airports or air fields of the United States Army, Navy or Coast Guard or to the use by any person of any chemical fertilizer, including chemical fertilizer containing chemical nitrogen, delivered pursuant to this paragraph (c) (2) (v).

(d) *Directions.* (1) Each fertilizer manufacturer shall comply with such directions as may be issued from time to time by the Director General for Operations with respect to the manufacture or mixing of chemical fertilizer and with respect to the use or delivery of nitrogen bearing materials.

(2) Each fertilizer manufacturer, dealer and agent shall comply with such directions as may be issued from time to time by the Director General for Operations with respect to the delivery and use of chemical fertilizers.

(e) *Substitution of grades.* (1) Set forth on Schedule B attached hereto is a list of the grades (stated on a nitrogen content basis or on a crop basis) of chemical fertilizer used in each of the states designated on such schedule during the 1940–1941 season (July 1, 1940–June 30, 1941) and a list of the approved grades for each of such states for the 1942–1943 season (July 1, 1942–June 30, 1943). The 1940–1941 grades and the 1942–1943 grades are listed in groups—each group being identified by a group number. The grades listed in a particular 1942–1943 group are the grades approved for substitution during 1942–1943 for the grades of the 1940–1941 group bearing the corresponding group number. Where a grade in one of the 1940–1941 groups was used on a particular crop during the 1940–1941 season, no grade other than a grade appearing in the corresponding 1942–1943 group shall be used on such crop during the 1942–1943 season. For example, where a person used a grade carrying 2% nitrogen on a particular crop in Connecticut during the 1940–1941 season, he shall not use any grade other than a 0–14–14, 0–20–20 or a 0–9–27 grade on such crop during the 1942–1943 season.

(2) Each fertilizer manufacturer shall, during the 1942–1943 season, manufacture or mix and make available for distribution during the 1942–1943 season in each state supplied by him during the 1940–1941 season, tonnages of each group of the 1942–1943 approved grades containing chemical nitrogen in the same ratio which the tonnages of each group of the 1940–1941 grades containing chemical nitrogen delivered during the 1940–1941 season in the state involved bore to each other. For example, if the amount of chemical fertilizer with a nitrogen content of 5% supplied by a manufacturer for distribution in the State of Tennessee during the 1940–1941 season represented 25% of the total amount of chemical fertilizer containing chemical nitrogen supplied by him in Tennessee during that season, then such fertilizer manufacturer shall manufacture or mix and make available for distribution in Tennessee during the 1942–1943 season such amounts of grades 4–8–8, 4–10–4 and 4–12–4 as shall equal 25% of the amount of all chemical fertilizer containing chemical nitrogen produced by him for distribution in Tennessee during the 1942–1943 season.

(f) *Additional restrictions.* On and after December 4, 1942:

(1) No fertilizer manufacturer, dealer or agent shall deliver any mixed chemical fertilizer containing chemical nitrogen for field use, as distinguished from plant bed use, on flue-cured tobacco (designated by the U. S. Department of Agriculture as types 11, 12, 13 and 14) unless 55% of the nitrogen content of such fertilizer is in water-insoluble form, and no person, including fertilizer manufacturers, dealers and agents, shall use any mixed chemical fertilizer containing chemical nitrogen for such purpose unless 55% of the nitrogen content of such fertilizer is in water-insoluble form.

(2) No fertilizer manufacturer, dealer or agent shall deliver any chemical fertilizer containing chemical nitrogen for use on melon or cucumber crops, and no person, including fertilizer manufacturers, dealers and agents, shall use any chemical fertilizer containing chemical nitrogen for such purpose.

(3) No fertilizer manufacturer, dealer or agent shall deliver any mixed chemical fertilizer containing chemical nitrogen for use prior to July 1, 1943, on small grains to be harvested for grains, and no person, including fertilizer manufacturers, dealers and agents, shall use any mixed chemical fertilizer containing chemical nitrogen for such purpose.

(4) No fertilizer manufacturer, dealer or agent shall deliver any chemical fertilizer containing chemical nitrogen for use on victory gardens other than the grade of 3–8–7, the nitrogen content of which grade shall consist of 2½ units of organic nitrogen and ½ unit of chemical nitrogen. Such 3–8–7 grade shall be labeled "Victory Garden Fertilizer—For Food Production Only", and no person, including fertilizer manufacturers, dealers and agents, shall use any chemical fertilizer containing chemical nitrogen other than a grade so labeled, for such purpose. Notwithstanding any provision in this order to the contrary, victory garden fertilizer may be packaged in packages of 5, 10, 25, 50 and 100 pounds net weight and may be used on victory gardens regardless of the crops raised thereon. The term "victory garden" for the purposes of this paragraph (f) (4) means any garden planted primarily for the non-commercial production of vegetables and small fruits.

NOTE: Paragraphs (g), (h), (i), (j) and (k) were formerly designated (d), (e), (f), (g) and (h).

(g) *Restriction on the use of organic nitrogen.* On and after December 4, 1942, no person shall deliver any mixed fertilizer, the nitrogen content of which consists entirely of organic nitrogen, unless the nitrogen content thereof is at least three percent (3%) and the total nitrogen, available phosphoric acid and water-soluble potash content thereof, is at least fourteen percent (14%): *Provided, however,* That the restriction provided for in this paragraph (g) shall not apply to deliveries by any person of any mixed fertilizer on hand on September 12, 1942.

(h) *Exemption from intra-company delivery restriction of Priorities Regulation No. 1.* The restrictions on intra-company deliveries provided for in Priorities Regulation No. 1 (§ 944.12) shall not apply to intra-company deliveries of any material entering into and forming a part of any chemical fertilizer.

(i) *State regulations.* Nothing contained in this order shall be construed as permitting the delivery or use of any grade of chemical fertilizer in any state where the use or delivery of such grade in such state is specifically prohibited by such state.

(j) *Notification of customers.* Manufacturers, dealers and agents shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but failure to give such notice shall not excuse any such person from complying with the terms hereof.

(k) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C. Ref.: M-231.

(4) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 4th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

ALABAMA

0-14-10	[1]4-12-4
4-10-4	4-10-7

[1] For commercial floricultural use only.

All grades listed below under the heading, "Grades applicable to all states."

ARIZONA

4-8-0 Manure base only	6-18-0
	8-12-0
4-16-0	8-16-0
4-19-5	8-32-0
4-12-4	10-10-0
5-10-3	10-20-0
5-15-0	10-32-0
6-12-0	14-6-0

All grades listed below under the heading, "Grades applicable to all states."

ARKANSAS

0-14-7	3-9-18
0-10-20	4-12-4
3-12-6	4-10-7
3-12-12	4-8-12

All grades listed below under the heading, "Grades applicable to all states."

CALIFORNIA

0-10-12	8-0-12
2-10-8	8-10-12
3-12-5	8-24-8
4-6-8	10-10-5
4-10-10	10-5-10
4-12-4	10-12-10
4-18-18	10-10-0
5-10-3	10-5-5
5-12-5	10-16-8
5-14-9	10-20-0
5-5-20	12-0-14
6-10-4	12-6-0
6-9-6	14-0-8
6-12-8	17-7-0
8-8-4	18½-0-0
8-6-8	

All grades listed below under the heading, "Grades applicable to all states."

CONNECTICUT

0-14-14	4-10-10
0-9-27	4-16-20
0-20-20	[1]5-3-5
3-12-6	5-20-10
3-12-15	[1]6-3-6
4-9-7	6-15-15
4-12-4	

[1] For tobacco only.

All grades listed below under the heading "Grades applicable to all states."

DELAWARE

0-14-7	3-12-15
0-12-12	4-12-4
0-16-8	4-8-12
0-14-14	4-12-8
0-20-20	4-16-8
0-24-12	4-16-20
2-8-10	4-24-12
2-12-6	[1]5-10-5
2-12-12	7-21-7
3-12-6	[2]10-0-10
3-9-15	[2]10-6-4
3-18-9	

[1] For vegetables and potatoes only.
[2] For side and top-dressing fruits and vegetables only.

All grades listed below under the heading, "Grades applicable to all states."

FLORIDA

0-16-0 plus Mn	4-9-3
0-14-5	4-6-8
0-8-12	4-8-6
0-10-10	4-8-8
0-14-10	4-12-4
0-12-16	4-10-7
0-8-24	4-12-6
2-8-6	5-7-5
2-10-4	5-5-8
2-8-10	5-6-10
3-3-5	5-8-8
3-6-10	6-4-8
3-8-8	6-6-6
4-4-8	8-0-8
4-5-7	8-0-12
4-7-5	12-0-10
4-8-4	

All grades listed below under the heading, "Grades applicable to all states."

GEORGIA

0-14-10	4-8-4
2-12-6	[2]4-9-3
3-8-5	4-8-6
3-9-6	4-8-8
3-9-9	4-12-4
3-12-6	[3]10-0-10
[1]4-2-10	

[1] For shade tobacco only.
[2] For tobacco plant beds only.
[3] For side-dressing only.

All grades listed below under the heading, "Grades applicable to all states."

IDAHO

0-12-20	5-6-8
3-10-10	6-30-0
3-10-20	9-4-6
4-12-4	17-4-4
4-24-0	17-12-0
4-24-4	

All grades listed below under the heading, "Grades applicable to all states."

ILLINOIS

0-14-7	2-16-8
0-12-12	3-12-12
0-16-8	3-9-18
0-14-14	3-18-9
0-20-10	4-10-6
0-9-27	4-12-4
0-20-20	4-24-12
0-12-36	[1]10-6-4
2-12-6	

[1] For side or top-dressing vegetables only.

All grades listed below under the heading, "Grades applicable to all states."

INDIANA

0-14-7	2-12-6
0-12-12	2-8-16
0-16-8	2-16-8
0-14-14	3-12-12
0-10-20	3-9-18
0-20-10	3-18-9
0-9-27	4-10-6
0-12-24	4-12-4
0-20-20	4-24-12
0-12-36	[1]10-6-4

[1] For side or top-dressing vegetables only.

All grades listed below under the heading, "Grades applicable to all states."

IOWA

0-14-7	3-12-12
0-12-12	3-9-18
0-16-8	3-18-9
0-14-14	4-10-6
0-20-10	4-12-4
0-9-27	4-16-4
0-20-20	4-24-12
0-12-36	[1]10-6-4
2-12-6	

[1] For side or top-dressing vegetables only.

All grades listed below under the heading, "Grades applicable to all states."

KENTUCKY

0-14-7	3-12-12
0-12-12	3-9-18
0-16-8	3-18-9
0-14-14	4-8-8
0-20-10	4-10-6
0-20-20	4-12-4
2-12-6	4-12-8
3-9-6	4-16-4
3-12-3	5-10-10

All grades listed below under the heading, "Grades applicable to all states."

LOUISIANA

0-14-7	3-12-12
0-14-14	4-12-4
[1]3-15-0	4-10-7
3-12-6	4-8-12
3-12-9	[2]9-9-0

[1] For rice only.
[2] For sugarcane only.

All grades listed below under the heading, "Grades applicable to all states."

MAINE

0-14-14	4-10-10
0-20-20	4-16-20
3-12-6	5-20-10
3-12-15	6-9-15
4-9-7	6-12-18
4-12-4	6-15-15
4-8-12	

All grades listed below under the heading, "Grades applicable to all states."

MARYLAND AND DISTRICT OF COLUMBIA

0-14-7	4-8-12
0-12-12	4-12-8
0-16-8	4-16-4
0-14-14	4-16-8
0-24-12	4-16-20
0-20-20	4-24-12
2-8-10	4-12-4
2-12-6	[1]5-10-5
2-12-12	[4]6-6-8
3-12-6	7-21-7
3-9-15	[2]10-0-10
3-12-15	[3]10-6-4
3-18-9	

[1] For vegetables and potatoes only.
[2] For side-dressing only.
[3] For side or top-dressing fruits and vegetables only.
[4] For tobacco plant beds only.

All grades listed below under the heading, "Grades applicable to all states."

MASSACHUSETTS

0-14-14	4-10-10
0-9-27	4-16-20
0-20-20	[1]5-3-5
3-12-6	5-20-10
3-12-15	[1]6-3-6
4-9-7	6-15-15
4-12-4	

[1] For tobacco only.

All grades listed below under the heading, "Grades applicable to all states."

MICHIGAN

0-14-7	2-8-16
0-12-12	2-16-8
0-16-8	3-12-12
0-14-14	3-9-18
0-10-20	3-18-9
0-20-10	4-10-6
0-9-27	4-12-4
0-12-24	4-16-4
0-20-20	4-24-12
0-12-36	[1]10-6-4
2-12-6	

[1] For side or top-dressing vegetables only.

All grades listed below under the heading, "Grades applicable to all states."

MINNESOTA

0-14-7	2-12-6
0-12-12	2-16-8
0-16-8	3-12-12
0-14-14	3-9-18
0-10-20	3-18-9
0-20-10	4-10-6
0-9-27	4-12-4
0-12-24	4-24-12
0-20-20	8-16-12
0-12-36	[1]10-6-4

[1] For side or top-dressing vegetables only.

All grades listed below under the heading, "Grades applicable to all states."

MISSISSIPPI

0-14-7	4-8-8
4-8-4	

All grades listed below under the heading, "Grades applicable to all states."

MISSOURI

0-14-7	3-12-12
0-12-12	3-9-18
0-16-8	3-18-9
0-14-14	4-10-6
0-10-20	4-12-4
0-20-10	4-16-4
0-12-24	4-24-12
0-20-20	[1]10-6-4
2-12-6	

[1] For side or top-dressing vegetables only.

All grades listed below under the heading "Grades applicable to all states."

NEW HAMPSHIRE

0-14-14	4-10-10
0-9-27	4-16-20
0-20-20	[1]5-3-5
3-12-6	5-20-10
3-12-15	[1]6-3-6
4-9-7	6-15-15
4-12-4	

[1] For tobacco only.

All grades listed below under the heading, "Grades applicable to all states."

NEW JERSEY

0-14-7	
0-12-12	3-12-15
0-16-8	3-18-9
0-14-14	4-12-4
0-24-12	4-10-5
0-20-20	4-8-12
2-8-10	4-10-10
2-12-6	4-12-8
3-12-6	4-16-8

All grades listed below under the heading, "Grades applicable to all states."

NEW YORK

0-14-7	3-12-15
0-12-12	4-10-5
0-16-8	4-12-4
0-14-14	4-8-12
0-24-12	4-10-10
0-20-20	4-16-4
[1]2-8-10	4-16-8
3-12-6	

[1] For vegetables only, primarily muck soils.

All grades listed below under the heading, "Grades applicable to all states."

NORTH CAROLINA

0-10-10 (basic)	[1]4-9-3
0-14-7	4-8-6
2-8-10 (basic)	4-8-8
2-10-6	4-10-6
2-12-6	4-12-4
3-8-5	4-12-8
3-9-6	[4]5-7-5
3-9-9	[2]5-5-20
3-12-6	[2]10-0-10
4-8-4	

[1] For tobacco plant beds only.
[2] For side dressing only.
[3] For side dressing tobacco only.
[4] For vegetables and potatoes only.

All grades listed below under the heading, "Grades applicable to all states."

OHIO

0-14-7	3-12-12
0-12-12	3-9-18
0-16-8	3-18-9
0-14-14	4-8-8
0-10-20	4-10-6
0-20-10	4-12-4
0-9-27	4-16-4
0-12-24	4-24-12
0-20-20	5-10-10
0-12-36	[1]10-6-4
2-12-6	

[1] For side or top-dressing vegetables only.

All grades listed below under the heading, "Grades applicable to all states."

OKLAHOMA

0-14-7	4-10-7
3-12-6	4-12-4
3-12-9	

All grades listed below under the heading, "Grades applicable to all states."

OREGON

0-12-20	5-6-8
3-10-10	6-30-0
3-10-20	9-4-6
4-12-4	17-4-4
4-24-0	17-12-0
4-24-4	

All grades listed below under the heading, "Grades applicable to all states."

PENNSYLVANIA

0-14-7	4-8-12
0-12-12	4-10-10
0-16-8	4-16-4
0-14-14	4-8-16
0-24-12	4-12-8
0-20-20	4-12-12
2-8-10	4-16-8
2-12-6	4-16-20
3-12-6	4-24-12
3-12-15	6-15-15
3-18-9	7-21-7
4-10-5	[1]10-6-4
4-12-4	

[1] For side or top-dressing fruits and vegetables only.

All grades listed below under the heading, "Grades applicable to all states."

RHODE ISLAND

0-9-27	4-12-4
0-14-14	4-10-10
0-20-20	4-16-20
3-12-6	5-20-10
3-12-15	6-15-15
4-9-7	

All grades listed below under the heading, "Grades applicable to all states."

SOUTH CAROLINA

0-14-7	[1]4-9-3
0-12-12	4-8-4
2-12-6	4-8-6
3-8-5	4-8-8
3-9-6	4-12-4
3-9-9	4-12-8
3-12-6	[2]5-7-5

[1] For tobacco plant beds only.
[2] For vegetables and potatoes only.

All grades listed below under the heading, "Grades applicable to all states."

TENNESSEE

0-14-7	4-10-4
0-12-12	4-8-8
2-8-10	4-12-4
2-12-6	[1]5-10-5
3-9-6	

[1] For vegetables only.

All grades listed below under the heading, "Grades applicable to all states."

TEXAS

0–14–7	4–10–7
[1] 3–15–0	4–8–12
3–12–6	[2] 10–10–0
4–12–4	[2] 10–20–0

[1] For rice, and for vegetables in the Rio Grande Valley.
[2] For vegetables in the Rio Grande Valley only.

All grades listed below under the heading, "Grades applicable to all states."

VERMONT

0–14–14	4–10–10
0–20–20	4–16–20
3–12–6	[1] 5–3–5
3–12–15	5–20–10
4–9–7	[1] 6–3–6
4–12–4	6–15–15

[1] For tobacco only.

All grades listed below under the heading, "Grades applicable to all states."

VIRGINIA

0–14–7	3–12–15
0–12–12	3–18–9
0–16–8	4–8–4
0–14–14	[1] 4–9–3
0–24–12	4–8–6
0–20–20	4–12–4
2–8–10	4–8–12
2–12–6	4–12–8
2–12–12	4–16–4
3–8–5	4–16–8
3–9–6	[2] 5–10–5
3–12–6	[4] 10–0–10
3–9–15	[3] 10–6–4

[1] For tobacco plant beds only.
[2] For vegetables and potatoes only.
[3] For side or top-dressing fruits and vegetables only.
[4] For side-dressing only.

All grades listed below under the heading, "Grades applicable to all states."

WASHINGTON

0–12–20	5–6–8
3–10–10	6–30–0
3–10–20	9–4–6
4–12–4	17–4–4
4–24–0	17–12–0
4–24–4	

All grades listed below under the heading, "Grades applicable to all states."

WEST VIRGINIA

0–14–7	3–18–9
0–16–8	4–12–4
0–24–12	4–12–8
2–12–6	[1] 10–6–4

[1] For side or top-dressing fruits and vegetables only.

All grades listed below under the heading, "Grades applicable to all states."

WISCONSIN

0–14–7	2–12–6
0–12–12	3–12–12
0–16–8	3–9–18
0–14–14	3–18–9
0–20–10	4–10–6
0–9–27	4–12–4
0–20–20	4–24–12
0–12–36	[1] 10–6–4

[1] For side or top-dressing vegetables only.

All grades listed below under the heading, "Grades applicable to all states."

GRADES APPLICABLE TO ALL STATES

Nitrate of soda	16–0–0
Nitrate of soda-potash	14–0–14

GRADES APPLICABLE TO ALL STATES—CON.

Sulphate of ammonia	20 (or higher)–0–0
Cyanamid	20 (or higher)–0–0
Uramon	42–0–0
Ammonium phosphate	11–48–0 16–20–0
Superphosphate	0–18 (or higher)–0
Muriate of potash	0–0–50 (or higher)
Sulphate of potash	0–0–48 (or higher)
Manure salts	0–0–22 (or higher)
Sulphate of potash-magnesia	0–0–18 (or higher)
Basic slag	Any grade
Ground phosphate rock	Any grade
Colloidal phosphate	Any grade
Cotton hull ash	Any grade
Wood ash	Any grade
Victory garden fertilizer	3–8–7, which must contain 2½ units of organic nitrogen and ½ unit of chemical nitrogen.

SCHEDULE B

ALABAMA

Group	1940–41 Grades	1942–43 Approved Grades	Group
(1)	Those with no N to be replaced by	0–14–10	(1)
(2)	Those with 3%, 4%, and 6% N to be replaced by.	4–10–4 4–10–7 4–12–4	(2)

ARKANSAS

(1)	Those with 2% or less N to be replaced by.	0–14–7 0–16–20	(1)
(2)	Those with 3% and 4% N to be replaced by.	3–9–18 3–12–6 3–12–12	(2)
(3)	Those with 6% or more N to be replaced by.	4–10–7 4–12–4 4–8–12	(3)

CONNECTICUT

(1)	Those with 2% or less N to be replaced by.	0–14–14 0–20–20 0–9–27	(1)
(2)	Those with 3% and 4% N to be replaced by.	3–12–6 3–12–15	(2)
(3)	Those with 6% or more N to be replaced by.	4–9–7 4–12–4 4–10–10 5–3–5 6–3–6	(3)
(4)	Multiple-strength grades	4–10–20 5–20–10 6–15–15	(4)

DELAWARE

(1)	All grades used on small grains and those with less than 2% N used on other crops to be replaced by.	0–12–12 0–14–7 0–14–14 0–16–8 0–20–20 0–24–12	(1)
	For grades used on crops other than small grains:		
(2)	Those with 2% N to be replaced by.	2–8–10 2–12–6 2–12–12	(2)
(3)	Those with 3% and 4% N to be replaced by.	3–9–18 3–12–6	(3)
(4)	Those with 6% N to be replaced by.	4–8–12 4–12–4 4–12–8	(4)
(5)	Those with 6% or more N to be replaced by.	5–10–5 10–9–10 10–6–4	(5)
(6)	Multiple-strength grades	3–12–15 3–18–9 4–10–8 4–10–20 4–24–12 7–21–7	(6)

GEORGIA

Group	1940–41 Grades	1942–43 Approved Grades	Group
(1)	Those with less than 2% N to be replaced by.	0–14–10	(1)
(2)	Those with 2% N to be replaced by	2–12–6	(2)
(3)	Those with 3% N to be replaced by	2–12–6 or 12–8–5 13–9–6 12–9–9 12–12–6	(3)
(4)	Those with 4% N to be replaced by	3–9–6 3–9–9 3–12–6 4–2–10 4–9–3	(4)
(5)	Those with 6% or more N to be replaced by.	4–8–4 4–8–6 4–8–8 4–12–4 10–6–10	(5)

[1] Which must carry at least one unit of organic Nitrogen.

ILLINOIS

(1)	All grades used on small grains and those with less than 2% N used on other crops to be replaced by.	0–12–12 0–12–20 0–9–27 0–16–8 0–14–7 0–14–14 0–20–10 0–20–20	(1)
	For grades used on crops other than small grains:		
(2)	Those with 2% N to be replaced by.	2–12–6 2–16–8	(2)
(3)	Those with 3% N to be replaced by.	2–9–13 3–12–12	(3)
(4)	Those with 4% or more N to be replaced by.	4–10–6 4–12–4 10–6–4	(4)
(5)	Multiple-strength grades	3–12–9 4–24–12	(5)

INDIANA

(1)	All grades used on small grains and those with less than 2% N used on other crops to be replaced by.	0–9–27 0–16–20 0–12–12 0–14–7 0–12–20 0–12–24 0–16–8 0–14–14 0–20–10 0–20–20	(1)
	For grades used on crops other than small grains:		
(2)	Those with 2% N to be replaced by.	2–8–16 2–12–6 2–16–8	(2)
(3)	Those with 3% N to be replaced by.	2–9–13 3–12–12	(3)
(4)	Those with 4% or more N to be replaced by.	4–10–6 4–12–4 10–6–4	(4)
(5)	Multiple-strength grades	3–15–9 4–24–12	(5)

IOWA

(1)	All grades used on small grains and those with less than 2% N used on other crops to be replaced by.	0–9–27 0–12–12 0–14–7 0–12–20 0–14–14 0–16–8 0–20–20 0–20–10	(1)
	For grades used on crops other than small grains:		
(2)	Those with 2% N to be replaced by.	2–12–6	(2)
(3)	Those with 3% N to be replaced by.	2–9–13 3–12–12	(3)
(4)	Those with 4% or more N to be replaced by.	4–10–6 4–10–4 4–12–4 10–6–4	(4)
(5)	Multiple-strength grades	3–18–9 4–24–12	(5)

KENTUCKY

Group	1940-41 Grades	1942-43 Approved Grades	Group
(1)	Those with less than 2% N to be replaced by.	0-12-12 0-14- 7 0-14-14 0-16- 8 0-20-20 0-20-10	(1)
(2)	Those with 2% and 3% N to be replaced by.	2-12- 6	(2)
(3)	Those with 4% N to be replaced by..	3- 9- 6 3- 9-18 3-12- 3 3-12-12	(3)
(4)	Those with 5% or more N to be replaced by.	4- 8- 8 4-10- 6 4-12- 4	(4)
(5)	Multiple-strength grades	3-18- 9 4-12- 8 4-16- 4 5-10-10	(5)

LOUISIANA

(1)	Those with 2% or less N to be replaced by.	0-14- 7 0-14-14	(1)
(2)	Those with 3% and 4% N to be replaced by.	3-12- 6 3-12- 9 3-12-12 3-15- 0	(2)
(3)	Those with 5% or more N to be replaced by.	4-10- 7 4- 8-12 4-12- 4 9- 9- 0	(3)

MAINE

(1)	Those with 2% or less N to be replaced by.	0-14-14 0-20-20	(1)
(2)	Those with 3% and 4% N to be replaced by.	3-12- 6 3-12-15	(2)
(3)	Those with 5% or more N to be replaced by.	4- 8-12 4- 9- 7 4-12- 4 4-10-10	(3)
(4)	Multiple-strength grades	4-16-20 5-20-10 6- 9-15 6-12-18 6-15-15	(4)

MARYLAND AND DISTRICT OF COLUMBIA

(1)	All grades used on small grains and those with less than 2% N used on other crops to be replaced by.	0-12-12 0-14- 7 0-14-14 0-16- 8 0-20-20 0-24-12	(1)
	For grades used on crops other than small grains:		
(2)	Those with 2% and 3% N to be replaced by.	2- 8-10 2-12- 6 2-12-12	(2)
(3)	Those with 4% N to be replaced by..	3- 9-15 3-12- 6	(3)
(4)	Those with 5% N to be replaced by..	4- 8-12 4-12- 4 4-12- 8 4-16- 4	(4)
5)	Those with 6% or more N to be replaced by.	5-10- 5 10- 0-10 10- 6- 4 6- 6- 8	(5)
(6)	Multiple-strength grades	3-12-15 3-18- 9 4-16- 8 4-16-20 4-24-12 7-21- 7	(6)

MASSACHUSETTS

(1)	Those with 2% or less N to be replaced by.	0- 9-27 0-14-14 0-20-20	(1)
(2)	Those with 3% and 4% N to be replaced by.	3-12- 6 3-12-15	(2)
(3)	Those with 5% or more N to be replaced by.	4- 9- 7 4-10-10 4-12- 4 5- 3- 5 6- 3- 6	(3)
(4)	Multiple-strength grades	4-16-20 5-20-10 6-15-15	(4)

MICHIGAN

(1)	All grades used on small grains and those with less than 2% N used on other crops to be replaced by.	0-12-12 0-10-20 0-12-36 0-20-10 0-14-11 0-12-24 0-14- 7 0-20-20 0- 9-27 0-16- 8	(1)
	For grades used on crops other than small grains:		
(2)	Those with 2% N to be replaced by.	2- 8-16 2-12- 6 2-16- 8	(2)
(3)	Those with 3% N to be replaced by.	3- 9-18 3-12-12	(3)
(4)	Those with 4% or more N to be replaced by.	4-10- 6 4-12- 4 4-16- 4 10- 6- 4	(4)
(5)	Multiple-strength grades	3-18- 9 4-24-12	(5)

MINNESOTA

(1)	All grades used on small grains and those with less than 2% N used on other crops, to be replaced by.	0- 9-27 0-10-20 0-12-12 0-14- 7 0-12-36 0-12-24 0-14-14 0-16- 8 0-20-20 0-20-10	(1)
	For grades used on crops other than small grains:		
(2)	Those with 2% N to be replaced by.	2-12- 6 2-16- 8	(2)
(3)	Those with 3% N to be replaced by.	3- 9-18 3-12-12	(3)
(4)	Those with 4% or more N to be replaced by.	4-10- 6 4-12- 4 4-16- 4 10- 6- 4	(4)
(5)	Multiple-strength grades	3-18- 9 4-24-12 8-16-12	(5)

MISSISSIPPI

(1)	Those with no N to be replaced by.	0-14- 7	(1)
(2)	Those with 3%, 4%, 6% and 8% N to be replaced by.	4- 8- 4 4- 8- 8	(2)

MISSOURI

(1)	All grades used on small grains and those with less than 2% N used on other crops, to be replaced by.	0-12-12 0-10-20 0-14-14 0-14- 7 0-16- 8 0-20-20 0-12-24 0-20-10	(1)
	For grades used on crops other than small grains:		
(2)	Those with 2% N to be replaced by.	2-12- 6	(2)
(3)	Those with 3% N to be replaced by.	3- 9-18 3-12-12	(3)
(4)	Those with 4% or more N to be replaced by.	4-10- 6 4-16- 4 4-12- 4 10- 6- 4	(4)
(5)	Multiple-strength grades	3-18- 9 4-24-12	(5)

NEW HAMPSHIRE

(1)	Those with 2% or less N to be replaced by.	0-9-27 0-14-14 0-20-20	(1)
(2)	Those with 3% and 4% N to be replaced by.	3-12- 6 3-12-15	(2)
(3)	Those with 5% or more N to be replaced by.	4- 9- 7 4-10-10 4-12- 4 5- 3- 5 6- 3- 6	(3)
(4)	Multiple-strength grades	4-16-20 5-20-10 6-15-15	(4)

NEW JERSEY

(1)	All grades used on small grains and those with less than 2% N used on other crops, to be replaced by.	0-12-12 0-14- 7 0-14-14 0-16- 8 0-20-20 0-21-12	(1)
	For grades used on crops other than small grains:		
(2)	Those with 2% N to be replaced by.	2- 8-10 2-12- 6	(2)
(3)	Those with 3% N to be replaced by.	3-12- 6	(3)
(4)	Those with 4% or more N to be replaced by.	4- 8-12 4-10- 5 4-10-10 4-12- 4 4-12- 8	(4)
(5)	Multiple-strength grades	3-12-15 3-18- 9 4-16- 8	(5)

NEW YORK

(1)	All grades used on small grains and those with less than 2% N used on other crops, to be replaced by.	0-12-12 0-14- 7 0-14-14 0-16- 8 0-20-20 0-21-12	(1)
	For grades used on crops other than small grains:		
(2)	Those with 2% N to be replaced by..	2- 8-10	(2)
(3)	Those with 3% N to be replaced by..	3-12- 6	(3)
(4)	Those with 4% or more N to be replaced by.	4- 8-12 4-10- 5 4-10-10 4-12- 4 4-16- 4	(4)
(5)	Multiple-strength grades	3-12-15 4-16- 8	(5)

NORTH CAROLINA

(1)	Those with less than 2% N to be replaced by.	[1]0-10-10 0-14- 7	(1)
(2)	Those with 2% N to be replaced by....	[1]2- 8-10 2-10- 6 2-12- 6	(2)
(3)	Those with 3% N to be replaced by....	[1]2- 8-10 2-10- 6 2-12- 6 or [2]3- 8- 5 [2]3- 9- 6 [2]3- 9- 9 [2]3-12- 6	(3)
(4)	Those with 4% N to be replaced by....	3- 9- 6 3- 9- 9 3-12- 6 4- 9- 3	(4)
(5)	Those with 5% or more N, except those used on vegetables and potatoes to be replaced by.	4- 8- 4 4- 8- 6 4- 8- 8 4-10- 6 4-12- 4 4-12- 8 10- 0-10 5- 5-20	(5)
(6)	Those with 5% or more N used on vegetables and potatoes to be replaced by.	5- 7- 5	(6)

[1] Basic.
[2] Which must carry at least one unit of organic nitrogen

OHIO

(1)	All grades used on small grains and those with less than 2% N used on other crops, to be replaced by.	0-12-12 0-14-14 0-20-20 0-10-20 0-12-24 0- 9-27 0-12-36 0-14- 7 0-16- 8 0-20-10	(1)
	For grades used on crops other than small grains:		
(2)	Those with 2% N to be replaced by..	2-12- 6	(2)
(3)	Those with 3% N to be replaced by..	3- 9-18 3-12-12	(3)
(4)	Those with 4% or more N to be replaced by.	4- 8- 8 4-10- 6 4-12- 4 4-10- 4 10- 6- 4	(4)
(5)	Multiple-strength grades	3-18- 9 4-24-12 5-10-10	(5)

OKLAHOMA

Group	1940-41 Grades	1942-43 Approved Grades	Group
(1)	Those with 2% or less N to be replaced by.	0-14- 7	(1)
(2)	Those with 3% and 4% N to be replaced by.	2-12- 6 3-12- 9	(2)
(3)	Those with 5% or more N to be replaced by.	4-10- 7 4-12- 4	(3)

PENNSYLVANIA

(1)	All grades used on small grains and those with less than 2% N used on other crops, to be replaced by.	0-12-12 0-14- 7 0-14-14 0-20-20 0-16- 8 0-24-12	(1)
	For grades used on crops other than small grains:		
(2)	Those with 2% N to be replaced by...	2- 8-10 2-12- 6	(2)
(3)	Those with 3% N to be replaced by.	3-12- 6	(3)
(4)	Those with 4% or more N to be replaced by.	4- 8-12 4- 8-16 4-10- 5 4-10-10 4-12- 4 4-12- 8 4-12-12 4-16- 4 10- 0- 4	(4)
(5)	Multiple-strength grades.....	3-12-15 3-18- 9 4-16-20 4-24-12 4-16- 8 6-15-15 7-21- 7	(5)

RHODE ISLAND

(1)	Those with 2% or less N to be replaced by.	0- 9-27 0-14-14 0-20-20	(1)
(2)	Those with 3% and 4% N to be replaced by.	2-12- 6 3-12-15	(2)
(3)	Those with 5% N or more to be replaced by.	4- 0- 7 4-10-10 4-12- 4	(3)
(4)	Multiple-strength grades.....	4-16-20 6-20-10 6-15-15	(4)

SOUTH CAROLINA

(1)	Those with less than 2% N to be replaced by.	0-12-12 0-14- 7	(1)
(2)	Those with 2% N to be replaced by...	2-12- 6	(2)
(3)	Those with 3% N to be replaced by...	2-12- 6 or 12- 8- 5 12- 9- 6 12- 9- 9 12-12- 6	(3)
(4)	Those with 4% N to be replaced by...	3- 9- 6 3- 9- 9 3-12- 6	(4)
(5)	Those with 5% or more N, except those used on vegetables and potatoes to be replaced by.	4- 8- 4 4- 8- 6 4- 8- 8 4-12- 4 4-12- 8	(5)
(6)	Those with 5% or more N used on vegetables and potatoes to be replaced by.	5- 7- 5	(6)

*Which must carry at least one unit of organic nitrogen.

TENNESSEE

(1)	Those with less than 2% N to be replaced by.	0-12-12 0-14- 7	(1)
(2)	Those with 2% and 3% N to be replaced by.	2- 8-10 2-12- 6	(2)
(3)	Those with 4% N to be replaced by...	3- 9- 6	(3)
(4)	Those with 5% N to be replaced by...	4- 8- 8 4-10- 4 4-12- 4	(4)
(5)	Those with 6% or more N to be replaced by.	5-10- 5	(5)

TEXAS

Group	1940-41 Grades	1942-43 Approved Grades	Group
(1)	Those with 2% or less N to be replaced by.	0-14- 7	(1)
(2)	Those with 3% and 4% N to be replaced by.	3-12- 6 3-15- 9	(2)
(3)	Those with 5% or more N to be replaced by.	4- 8-12 4-10- 7 4-12- 4 10-10- 0 10-20- 0	(3)

VERMONT

(1)	Those with 2% or less N to be replaced by.	0-14-14 0-20-20	(1)
(2)	Those with 3% and 4% N to be replaced by.	3-12- 6 3-12-15	(2)
(3)	Those with 5% or more N to be replaced by.	4- 0- 7 4-10-10 4-12- 4 5- 8- 5 6- 8- 6	(3)
(4)	Multiple-strength grades.....	4-16-20 6-20-10 6-15-15	(4)

VIRGINIA

(1)	Those with less than 2% N to be replaced by	0-12-12 0-14- 7 0-20-20 0-14-14 0-16- 8 0-24-12	(1)
(2)	Those with 2% N to be replaced by.	2- 8-10 2-12- 6 2-12-12	(2)
(3)	Those with 3% N to be replaced by.	2- 8-10 2-12- 6 2-12-12 or 2- 8- 12 3- 0- 6 3- 0-12 3-12- 6	(3)
(4)	Those with 4% N to be replaced by.	3- 0- 6 3- 0-15 3-12- 6 4- 0- 3	(4)
(5)	Those with 5% N to be replaced by.	4- 8- 4 4- 8- 6 4- 8-12 4-12- 4 4-16- 4	(5)
(6)	Those with 6% or more N to be replaced by.	6-10- 5 10- 0-10 10- 0- 4	(6)
(7)	Multiple-strength grades.....	3-12-15 3-18- 9 4-12- 8 4-16- 8	(7)

*Which must carry at least one unit of organic nitrogen.

WEST VIRGINIA

(1)	All grades used on small grains and those with less than 2% N used on other crops, to be replaced by.	0-14- 7 0-16- 8 0-24-12	(1)
	For grades used on crops other than small grains:		
(2)	Those with 2% and 3% N to be replaced by.	2-12- 6	(2)
(3)	Those with 4% or more N to be replaced by.	4-12- 4 4-12- 8 10- 0- 4	(3)
(4)	Multiple-strength grades.....	3-18- 9	(4)

WISCONSIN

(1)	All grades used on small grains and those with less than 2% N used on other crops, to be replaced by.	0- 9-27 0-12-12 0-12-20 0-14- 7 0-14-14 0-16- 8 0-20-20 0-20-10	(1)
	For grades used on crops other than small grains:		
(2)	Those with 2% N to be replaced by.	2-12- 6	(2)
(3)	Those with 3% N to be replaced by.	2- 0-18 2-12-12	(3)
(4)	Those with 4% or more N to be replaced by.	4-10- 6 4-12- 4 10- 0- 4	(4)
(5)	Multiple-strength grades.....	3-18- 9 4-24-12	(5)

[F. R. Doc. 42-12855; Filed, December 4, 1942; 11:25 a. m.]

PART 3114—SIMPLIFICATION AND STANDARDIZATION OF PORTABLE TOOLS, CHUCKING EQUIPMENT, MECHANICS' HAND SERVICE TOOLS, FILES, HACK AND BAND SAWS, VISES, MACHINE TOOL ACCESSORIES

[Limitation Order L-216]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of portable tools, chucking equipment, mechanics' hand service tools, files, hack and band saws, vises, machine tool accessories, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3114.1 *Limitation Order L-216*—(a) *Issuance of schedules for standardization and simplification.* The Director General for Operations may from time to time issue schedules establishing simplified practices with respect to types, sizes, models, forms, specifications, or other qualifications for any portable tools, chucking equipment, mechanics' hand service tools, files, hack and band saws, vises, machine tool accessories. No such products shall be produced by any producer except in conformity with any issued schedule and except as specifically permitted by such schedule, or except pursuant to specific permission of the Director General for Operations.

(b) *Limitation of sales.* The Director General for Operations may from time to time issue schedules prescribing the preference ratings pursuant to which sales or deliveries of portable tools, chucking equipment, mechanics' hand service tools, files, hack and band saws, vises and machine tool accessories may be made. No person shall sell or deliver, nor shall any person buy or accept delivery of, any portable tools, chucking equipment, mechanics' hand service tools, files, hack and band saws, vises, machine tool accessories with respect to which any such schedule prescribes such preference rating or ratings otherwise than pursuant to such preference rating or ratings, or pursuant to specific permission of the Director General for Operations.

(c) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(d) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(e) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: Tools Division, War Production Board, Washington, D. C., Ref.: L-216.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a) Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 4th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12858; Filed, December 4, 1942; 11:25 a. m.]

PART 3114—SIMPLIFICATION AND STANDARDIZATION OF PORTABLE TOOLS, CHUCKING EQUIPMENT, MECHANICS' HAND SERVICE TOOLS, FILES, HACK AND BAND SAWS, VISES, MACHINE TOOL ACCESSORIES

[Schedule I to Limitation Order L-216]

UNIVERSAL PORTABLE ELECTRIC TOOLS

§ 3114.2 *Schedule I to Limitation Order L-216*—(a) *Definitions.* For the purpose of this schedule, including the Appendix:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Producer" means any person engaged in the manufacture of universal portable electric tools.

(3) "Universal portable electric tools" means any tool specified in any numbered caption of the Appendix attached, with a self-contained electric motor, which is designed for operation on direct or alternating electric current of sixty cycles or less and which, in the course of normal use, is lifted, held and operated by not more than two persons.

(b) *General limitations* — (1) *Size, model, cord.* On and after January 1, 1943, except to the extent expressly permitted under the appropriate caption in the Appendix attached hereto or except pursuant to specific permission of the Director General for Operations, no person shall manufacture any universal portable electric tools:

(i) In any size other than the sizes indicated under the appropriate caption,

(ii) In any model other than the model or models indicated for such size or sizes under the appropriate caption, and, if selection be required thereunder, selected according to subparagraph (2) of this paragraph (b),

(iii) With a cord of any length other than the length specified for such size under the appropriate caption.

(2) *Selection of models for regular manufacture.* If, with respect to any universal portable electric tools, it is indicated under the appropriate caption that one or more models thereof shall be selected, each producer shall select from the models which he regularly cataloged as of May 15, 1942, such model or models as he may desire to retain for regular manufacture, not to exceed the number so indicated, and shall forthwith notify the Director General for Operations of such selection by notice in writing addressed to the Tools Division, War Production Board, Ref.: L-216 Schedule I. The producer may thereafter apply to the Director General for Operations for leave to amend the original selection but unless and until such leave is granted by the Director General for Operations in writing, the original selection shall remain binding upon such producer.

(c) *Limitation of sales.* On and after January 1, 1943, no person shall sell or deliver nor shall any person buy or accept delivery of any universal portable electric tools except pursuant to purchase orders bearing a preference rating of A-9 or higher, or except pursuant to specific permission of the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 4th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

APPENDIX TO SCHEDULE I TO LIMITATION ORDER L-216—UNIVERSAL PORTABLE ELECTRIC TOOLS

I—*Drills*

Sizes, models and cords are permitted any one producer only to the extent regularly cataloged by the particular producer as of May 15, 1942, and only if manufactured (after January 1, 1943) with armature mounted upon two ball bearings, and then only as follows:

(a) Of a size ¼ inch, with a cord length not to exceed 7 feet;

(b) Of a size $\frac{5}{16}$ inch, of one heavy duty model, with a cord length not to exceed 7 feet;

(c) Of a size ⅜ inch, of not more than one heavy duty model and any one other model selected according to paragraph (b) (2) of the foregoing Schedule, with a cord length not to exceed 7 feet;

(d) Of a size ½ inch, of not more than one heavy duty model and any one other model selected according to paragraph (b) (2) of the foregoing Schedule, with a cord length not to exceed 7 feet;

(e) Of a size ⅝ inch, of not more than one single speed heavy duty model and one two-speed model, with a cord length not to exceed 7 feet;

(f) Of a size ¾ inch, of one heavy duty model equipped with chuck and/or Morse taper, with a cord length not to exceed 7 feet;

(g) Of sizes 1¼ inches and larger, with a cord length not to exceed 7 feet; and in addition, of a size 1 inch, of one heavy duty model equipped with No. 3 Morse taper, with a cord length not to exceed 7 feet, whether or not regularly cataloged as of May 15, 1942.

II—*Grinders*

Sizes, models and cords are permitted any one producer only to the extent reg-

ularly cataloged by the particular producer as of May 15, 1942, and then only as follows:

(a) Of sizes under 3 inches, with a cord length for each size not to exceed 7 feet;

(b) Of sizes 3 inches and over, with a cord length for each size not to exceed 10 feet.

III—*Right angle buffers, sanders and polishers*

Of the universal portable electric tools covered by this caption, only abrasive disc sanders and abrasive belt sanders may be manufactured.

Sizes, models and cords are permitted any one producer only to the extent regularly cataloged by the particular producer as of May 15, 1942, and then only as follows:

(a) Abrasive disc sanders of sizes of 9½ pounds and over (weighed with disc pad less cord), of any three models selected according to paragraph (b) (2) of the foregoing schedule, with a cord length for each size not to exceed 10 feet;

(b) Abrasive belt sanders of sizes using abrasive belts of widths three inches and over, of any three models selected according to paragraph (b) (2) of the foregoing Schedule, with a cord length for each size not to exceed 10 feet.

IV—*Saws*

Sizes, models and cords are permitted any one producer only to the extent regularly cataloged by the particular producer as of May 15, 1942, and then only of sizes 7 through 12¼ inches inclusive, with a cord length for each size not to exceed 10 feet.

V—*Screw drivers, nut runners, tappers; metal cutting shears and nibblers, routers, shapers, lock mortisers, planes and attachments; hammers; valve seat lappers*

Sizes, models and cords are permitted any one producer only to the extent regularly cataloged by the particular producer as of May 15, 1942, and then only with a cord length for each size not to exceed 10 feet.

[F. R. Doc. 42-12859; Filed, December 4, 1942; 11:26 a. m.]

Chapter XI—Office of Price Administration

PART 1303—ZINC

[MPR 124,[1] Amendment 1]

ROLLED ZINC PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1303.260, paragraph (b), is amended to read as set forth below, and a new § 1303.259a, is added as follows:

§ 1303.260 *Appendix A: Maximum prices for rolled zinc products.* * * *

(b) (1) The prices established above for sheet zinc, ribbon and strip zinc, zinc plates, zinc engravers' plates and zinc lithographers' plates, are the maximum base prices for those products. Extra charges for special gauge, special length, special width, special shapes, particular types of packing, and other items for which extras are customarily charged, and extra charges in connection with rolled zinc products in special grades or finishes or produced from alloys containing 95% or more zinc, shall not exceed those in effect by the respective producer on October 1, 1941. Extra charges for quantities of less than five hundred pounds shall not exceed those in effect by the producer on October 1, 1941; except, that for boiler and hull plates, the maximum prices established by this Regulation for sales and deliveries of five hundred pounds or less shall apply.

Within thirty days of the effective date of this Amendment No. 1 to Maximum Price Regulation No. 124, every producer of rolled zinc products shall file a statement with the Office of Price Administration, Washington, D. C., showing:

(i) The types of rolled zinc products he produced during the period October 1, 1940, to November 1, 1942;

(ii) The extra charges which he had in effect on October 1, 1941, for each type of rolled zinc product produced; and

(iii) Cash and trade discounts in effect for each class of purchaser on October 1, 1941.

(2) In the case of any rolled zinc product first offered for sale and delivery by a producer after October 1, 1941, extra charges in connection with such sales and deliveries shall be submitted for the approval of the Office of Price Administration. Pending such approval by the Price Administrator, any producer may sell and deliver, or offer to sell and deliver, and any person may buy, offer to buy, or receive any such product at the maximum price established by Maximum Price Regulation No. 124, plus the extra charges submitted for the approval of this Office. If, however, the Price Administrator disapproves the extra charges submitted, the selling price shall be revised downward to the maximum price which the Price Administrator may approve, and any payment made in excess of the price so approved shall be refunded to the buyer. Sixty days after such extra charges are submitted, in the absence of a notification to the contrary from the Office of Price Administration, the extra charges shall stand approval and shall be the maximum charges applicable.

(3) Cash and trade discounts in effect for each class of purchaser on October 1, 1941, shall not be lowered and shall be calculated as deductions from the maximum prices established by this Regulation.

(c) The minimum quantity making up a carload lot shall be the lowest minimum weight, as set forth in the established tariffs of railroad carriers, upon which a railroad carload lot rate from the point of shipment to the point of destination is based.

§ 1303.259a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1303.260 and 1303.259a) to Maximum Price Regulation No. 124 shall become effective December 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12843; Filed, December 3, 1942; 4:20 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 149,[1] Amendment 4]

MECHANICAL RUBBER GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1315.21 is redesignated § 1315.21a and in that section a sentence is inserted after the title, paragraph (a) is revoked and paragraphs (b), (c), (d), (e), (f) and (g) are redesignated paragraphs (a), (b), (c), (d), (e) and (f); § 1315.21a is redesignated § 1315.21b; and two new §§ 1315.21 and 1315.37 are added, as set forth below:

§ 1315.21 *Maximum prices for mechanical rubber goods.* (a) On and after May 27, 1942, regardless of any contract, agreement, lease or other obligation, no manufacturer shall sell or deliver mechanical rubber goods and no person shall buy or receive mechanical rubber goods from a manufacturer in the course of trade or business at prices higher than the maximum price set forth in § 1315.21a, except as provided in Appendix D, incorporated herein as § 1315.37; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this paragraph shall not be applicable to sales or deliveries of mechanical rubber goods to a purchaser if prior to May 27, 1942, such mechanical rubber goods had been received by a carrier, other than a carrier owned or controlled by the manufacturer, for shipment to such purchaser.

(b) On and after December 8, 1942, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver mechanical rubber goods of the types and kinds listed in Appendix D (§ 1315.37) at prices higher than the prices set forth therein; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

§ 1315.21a *Maximum manufacturers' prices for mechanical rubber goods.* This section establishes maximum manufacturers' prices for all mechanical rubber goods, except those for which provision is made in Appendix D (§ 1315.37).

* * * * *

§ 1315.37 *Appendix D: Maximum prices for certain mechanical rubber goods made in whole or in part of synthetic rubber*—(a) *Hose made in whole or in part of neoprene.* The maximum

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3518, 8948.

[1] 7 F.R. 3839, 7173, 8639.

price of hose made in whole or in part of neoprene shall be determined as follows:

(1) *Maximum manufacturers' prices*—(i) *For types, constructions and sizes listed in Table I-D.* The manufacturer shall first find the price listed in Table I-D under the heading "List price" for the type, construction and size of hose he is pricing. From this figure he shall deduct all discounts, allowances and other price differentials which he had in effect for a purchaser of the same class on October 1, 1941. He will then find his maximum price by adding to the resultant figure the sum listed under "Differential" in Table I-D for the type, construction and size of hose he is pricing.

TABLE I-D—*Differentials to be used in determining the maximum price of neoprene hose*

Type of hose	Size (inches)	Braid	Ply	Unit of sale	List price [1]	Differential
Fuel oil and gasoline hose (not service station pump).	1	3	--	Foot	$0.69	$0.18
	1¼	3	--	Foot	.83	.20
	1½	3	--	Foot	1.03	.25
Air and air tool hose—Grade 1 (Molded-braided type).	¼	2	--	100 ft	31.30	9.89
	½	3	--	100 ft	35.80	14.24
	⅝	3	--	100 ft	40.20	16.10
	¾	2	--	100 ft	35.80	11.27
	¾	3	--	100 ft	46.85	18.64
	1	3	--	100 ft	54.20	24.10
	1¼	3	--	100 ft	74.55	33.14
	1½	3	--	100 ft	92.60	41.17
Air and air tool hose—Grade 1 (wrapped type).	½	--	4	Foot	.38	.12
	¾	--	4	Foot	.71	.20
	1	--	5	Foot	.71	.22
	1¼	--	5	Foot	.97	.30
	1½	--	6	Foot	1.26	.39
	2	--	6	Foot	1.56	.48
Oil suction and discharge hose (2 wire—Rough bore regular).	4	--	--	Foot	9.35	1.06
	6	--	--	Foot	15.00	2.05
	8	--	--	Foot	19.45	2.65
	10	--	--	Foot	24.60	3.35
Oil suction and discharge hose (2 Wire—Rough bore heavy).	4	--	--	Foot	11.55	1.32
	6	--	--	Foot	16.60	2.26
	8	--	--	Foot	20.90	2.84
	10	--	--	Foot	28.00	3.81
Oil suction and discharge hose (2 Wire—Smooth bore).	4	--	--	Foot	11.55	1.13
	6	--	--	Foot	16.60	1.78
	8	--	--	Foot	20.90	2.21
	10	--	--	Foot	28.00	2.96
	12	--	--	Foot	34.50	3.65
Creamery hose (either braided or wrapped).	½	--	--	Foot	[2] .44	[3] .04
	¾	--	--	Foot	[2] .53	[3] .04
	1	--	--	Foot	[2] .74	[3] .06
Hydraulic control and industrial grease hose (wire braid).	¼	2	--	100 ft	44.80	3.98
	5/16	2	--	100 ft	48.85	4.34
	⅜	2	--	100 ft	51.00	5.90
	½	2	--	100 ft	65.00	7.82
	¾	2	--	100 ft	90.55	13.00
	1	2	--	100 ft	116.00	16.65
Spray hose-paint—Fluid line and air line.	¼	1	--	100 ft	16.00	2.87
	¼	2	--	100 ft	17.30	3.10
	5/16	1	--	100 ft	17.00	3.03
	5/16	2	--	100 ft	18.00	3.21
	⅜	1	--	100 ft	19.30	3.44
	⅜	2	--	100 ft	21.10	3.78
	½	2	--	100 ft	29.50	5.52
	⅝	2	--	100 ft	36.00	6.73
	¾	2	--	100 ft	42.00	7.87
Tank car and tank truck hose (hard type or soft type).	1½	--	--	Foot	1.03	.25
	2	--	--	Foot	1.35	.32
	2½	--	--	Foot	2.08	.38
	3	--	--	Foot	2.61	.43
	4	--	--	Foot	3.75	.62

[1] With the exception of oil suction and discharge hose (smooth bore), these list prices are based on list prices in effect on October 1, 1941, for hose with a natural rubber tube and cover. The list prices for oil suction and discharge hose (smooth bore) are based on the list prices in effect on October 1, 1941, for hose with a synthetic tube and natural rubber cover.

If all the list prices a manufacturer had in effect on October 1, 1941, for corresponding types of hose differ from the list prices contained in Table I-D, such manufacturer, in determining his maximum price for neoprene hose, shall substitute his list prices in effect on October 1, 1941, for the list prices contained in the table.

[2] If the manufacturer's list prices on October 1, 1941, were different from those contained in Table I-D for creamery hose, he shall use his own list prices in effect on October 1, 1941, and the differential shown in Table I-D.

[3] The differential for creamery hose is for a neoprene cover only.

(ii) *For constructions and sizes not listed in Table I-D.* If the construction and size of hose being priced is not listed in Table I-D and the type of hose being priced is listed in Table I-D, the manufacturer shall determine the maximum price for that construction and size of hose as follows:

(*a*) The manufacturer shall first select that hose listed in Table I-D which is of the most comparable construction to the hose being priced, and he shall then select hose of that construction which is of the nearest size to the hose being priced.

(*b*) The manufacturer shall then divide the list price he had in effect on October 1, 1941, for natural rubber hose of the same type, construction and size as the hose being priced by the list price stated in Table I-D for the most comparable hose (selected in the manner set forth in the preceding inferior subdivision (*a*)). The resultant figure should then be multiplied by the differential stated in Table I-D for such most comparable hose in order to obtain the differential for the hose being priced.

(*c*) The manufacturer shall then determine his maximum price by adding the differential for the hose being priced to the net price he had in effect on October 1, 1941, for hose of the same type, construction and size as the hose being priced. This net price shall be determined by deducting from the list price the manufacturer had in effect on October 1, 1941, all discounts and allowances and other price differentials he had in effect for a purchaser of the same class on that date.

(2) *Notification by the manufacturer.* Every manufacturer of hose made in whole or in part of neoprene shall notify each person to whom he sells that commodity of (i) the provisions of this section by sending him a copy of this paragraph (a); (ii) the particular natural rubber hose to the maximum price of which a differential shall be added to determine the seller's maximum price of the hose containing neoprene; and (iii) the differential which subparagraph (3) of this paragraph (a) permits the seller to add to the maximum price of that natural rubber hose to determine the maximum price of hose containing neoprene.

(3) *Maximum prices for sales by persons other than manufacturers.* If the type, construction and size of hose being priced is listed in Table I-D, the seller shall determine his maximum price by adding the differential stated in Table I-D for the neoprene construction to the seller's maximum price for natural rubber hose of the same type, construction and size. If the construction and size of hose being priced is not listed in Table I-D and the type of hose being priced is listed in Table I-D, the seller shall determine his maximum price by adding to his maximum price for natural rubber hose of the same type, construction and size the same differential that the manufacturer is permitted to add. The manufacturer will furnish the seller with information as to both the natural rubber hose whose maximum price must be used in this determination and the differential the seller may add to that maximum price, in accordance with subparagraph (2) of paragraph (a).

§ 1315.33a *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§§ 1315.21; 1315.21a; 1315.37) to Maximum Price Regulation No. 149 shall become effective December 8, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12844; Filed, December 3, 1942; 4:20 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280]

MAXIMUM PRICES FOR SPECIFIC FOOD PRODUCTS

Preamble. In the judgment of the Price Administrator it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 issued by the President on October 3, 1942 to maintain as the maximum prices for certain essential food products heretofore covered under Temporary Maximum Price Regulation No. 22 the prices prevailing with respect thereto during the period September 28, 1942 to October 2, 1942, inclusive. The maximum prices established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable and will aid in stabilizing the cost of living. The maximum prices established herein are not below prices which will reflect to the producers of the covered agricultural commodities prices for their products equal to the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.*

Therefore, with the concurrence of the Secretary of Agriculture and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1, [7 F.R. 8961] Maximum Price Regulation No. 280 is hereby issued.

Sec.

*Copies may be obtained from the Office of Price Administration.

AUTHORITY: §§ 1351.801 to 1351.820, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; and E.O. 9250, 7 F.R. 7871.

§ 1351.801 *Purpose of this regulation.* It is the purpose of this regulation to establish maximum prices for sales of the following specific food products:

(a) *Milk products.* Fluid milk and fluid cream sold at wholesale in containers other than bottles and paper containers, butter, cheese, condensed and evaporated milk, powdered milk, casein, malted milk powder and any other food commodity which is processed or manufactured from cow's milk and composed of milk ingredients constituting more than fifty percent by weight or volume, excluding ice cream (which is covered under the General Maximum Price Regulation [1]).

(b) *Eggs.* All shell, dried, frozen and tanner eggs.

(c) *Poultry.* All chickens, fowl, roosters, capons, ducks, geese, pigeons, squabs, and game birds including live, dressed, drawn, split, disjointed, and all other forms of the foregoing when sold for human consumption.

(d) *Canned citrus fruits and juices and other citrus products.* All canned fruits and juices made from citrus fruits (such as oranges, grapefruit, lemons and limes) and combinations or blends thereof; citrus concentrates; and all other citrus products.

(e) *Fresh citrus fruits.* All fresh citrus fruits sold at retail as provided in § 1351.806 herein including but not limited to oranges, grapefruit, lemons and limes.

(f) *Flour.* All flour produced from wheat, including bleached, bromated, enriched, phosphated and self-rising flours.

(g) *Cake mixes and flour mixes, in bulk and "packaged" in quantities greater than three pounds.* All combinations of flour with any other ingredients.

(h) *Dried peas and lentils.* All threshed and dried field or garden peas and lentils used for human consumption.

(i) *Corn meal, hominy and hominy grits, in bulk and "packaged" in quantities greater than three pounds.* All corn "ground" for human consumption with or without the removal of all or part of the bran or germ.

The food products listed above are referred to in this regulation as "listed food products."

§ 1351.802 *Prohibition against buying and selling above maximum prices.* (a) On and after December 3, 1942, regardless of any contract, agreement or other obligation, no person shall sell or deliver a listed food product, and no person in the course of trade or business shall buy or receive a listed food product at a price higher than the maximum price permitted by this Maximum Price Regulation No. 280; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

(b) However, prices lower than maximum prices may be charged, demanded, paid or offered.

§ 1351.803 *Maximum prices.* (a) The seller's maximum price for any listed food product shall be the highest price charged by the seller during the period September 28, 1942, to October 2, 1942, inclusive, for the same listed food product; or if no charge was made for the same listed food product, for the similar listed food product most nearly like it. If the seller did not sell the same or similar listed food product during the period September 28, 1942, to October 2, 1942, inclusive, his maximum price for such listed food product shall be the highest price charged during that period by his most closely competitive seller of the same class for the same listed food product; or, if no charge was made for the same listed food product, for the similar food product most nearly like it.

(b) If the seller cannot determine his maximum price for a listed food product under the foregoing, because neither he nor his most closely competitive seller of the same class delivered or offered for delivery such listed food product to a purchaser of the same class during the base period of September 28, 1942, to October 2, 1942, inclusive, he may determine his maximum price by the following procedure applied in the following order:

(1) By taking the maximum price of the same or similar listed food product most nearly like it which he charged a different class of purchaser during such base period and adjusting the price to reflect the customary differential between the two classes of purchasers.

(2) By taking the maximum price of the same or similar listed food product most nearly like it charged by his most closely competitive seller of the same class to a different class of purchaser during such base period, and adjusting that maximum price to reflect the customary differential between the price charged that different class of purchaser by such competitor, and the price for that class of purchaser for whom a maximum price is sought by the seller.

(c) If the seller cannot determine his maximum price for a listed food product under the foregoing, because neither he nor his most closely competitive seller of the same class delivered or offered for delivery the same or a similar listed food product during such base period, he may determine his maximum price by the following procedure applied in the following order:

(1) By taking the maximum price for the most nearly similar listed food product that he has delivered or offered for delivery during such base period, and adjusting the price to reflect the customary differential between the two commodities.

(2) By taking the maximum price for the most nearly similar listed food product delivered or offered for delivery by his most closely competitive seller of the same class, during such base period, and adjusting that maximum price to reflect the customary differential between the price charged by such competitive seller for such nearly similar listed food product, and the price for that listed food product for which a maximum price is sought by the seller.

§ 1351.804 *Relationship between minimum prices established by Federal marketing agreements, orders or licenses and maximum prices established herein.* If the maximum price established for any seller by this Maximum Price Regulation No. 280 is below the minimum price established for him by any marketing agreement, order or license heretofore or hereafter to be issued by the Secretary of Agriculture, pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, such minimum price shall become the seller's maximum price.

§ 1351.805 *Addition allowed sellers of bulk fluid milk or cream of price increases resulting from Federal milk marketing agreements, orders or licenses.* Any seller of bulk fluid milk or bulk fluid cream may add to his maximum selling prices established by this Maximum Price Regulation No. 280, the amount in dollars and cents of any price increase which he actually pays to his supplier because of any increases in producers' minimum prices since October 2, 1942, as the result of any marketing agreement, order or license heretofore or hereafter to be issued by the Secretary of Agriculture pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended: *Provided, however,* That no increase allowed under this § 1351.805 shall be greater than the increase allowed the producer under such marketing agreement, order or license. "Bulk fluid milk" and "bulk fluid cream" in this § 1351.805 means fluid milk and fluid cream sold in containers other than bottles or paper containers.

§ 1351.806 *Maximum prices for fresh citrus fruits at retail.* (a) The seller's maximum price at retail for fresh citrus fruits shall be established as provided in this section. Any provision of this Maximum Price Regulation No. 280 which is contrary to or inconsistent with the provisions of this section, shall not apply to sales of fresh citrus fruits at retail, but each and every provision or definition of this Maximum Price Regulation No.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4457, 4659, 5027, 5192, 5276, 4736, 5363, 5445, 5454, 5665, 5775, 5738, 5784, 6007, 6055, 6081, 6216, 6515, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 8942, 9004, 9435, 9615, 9616.

280, which is not contrary to or inconsistent with the provisions of this section, shall remain in full force and effect and shall apply to all sales of fresh citrus fruits at retail.

(b) Sales of fresh citrus fruits by mail or express shipment to the ultimate consumer shall not be deemed sales of fresh citrus fruits at retail for the purposes of this Maximum Price Regulation No. 280.

(c) For the purposes of this section, oranges shall include tangerines and all oranges wherever grown; lemons shall include all lemons, wherever grown; and limes shall include all limes, wherever grown.

(d) The seller's maximum price at retail for all fresh citrus fruits, except grapefruit, and including but not limited to oranges, lemons and limes, shall be the highest price charged by the seller during the period September 28, 1942, to October 2, 1942, inclusive, for the same commodity. If the seller did not sell the same commodity during that period, his maximum price shall be the highest price charged during that period by his most closely competitive seller of the same class for the same commodity.

(e) The seller's maximum price at retail for California or Arizona grapefruit shall be the highest price charged by the seller during the period September 28, 1942, to October 2, 1942, inclusive, for the same commodity. If the seller did not sell California or Arizona grapefruit during that period, his maximum price shall be the highest price charged during that period by his most closely competitive seller of the same class, for the same commodity. If the seller is unable to obtain a maximum price by either of the foregoing methods, his maximum price for California or Arizona grapefruit shall be either ten cents per grapefruit, or the cost to him of each such grapefruit plus two and one-half cents, whichever results in the lower price.

(f) The seller's maximum price at retail for all grapefruit other than California or Arizona grapefruit, shall be the highest price charged by the seller during the period September 28, 1942, to October 2, 1942, inclusive, for the same commodity. If the seller did not sell such grapefruit during that period, his maximum price shall be the highest price charged during that period by his most closely competitive seller of the same class for the same commodity. If the seller is unable to obtain a maximum price for such grapefruit by either of the foregoing methods, his maximum price shall be either ten cents per grapefruit, or the cost to him of each such grapefruit plus two and one-half cents, whichever price is lower.

(g) The cost of a grapefruit to the seller shall be the actual cost delivered at the seller's place of business, less any cash discounts or allowances to the seller.

§ 1351.807 *Adjustment of maximum prices of fluid milk.* (a) The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under this Maximum Price Regulation No. 280 for fluid milk sold at wholesale in containers other than bottles or paper containers in the case of any seller or group of sellers where it appears:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of such fluid milk; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such seller and of like sellers for such fluid milk; and

(3) That such adjustment will not create or tend to create a shortage, or a need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

(b) Each Regional Administrator is authorized to make adjustments or act upon applications for adjustment under this § 1351.807.

(c) Applications for adjustment under this § 1351.807 shall be filed in accordance with Revised Procedural Regulation No. 1.

§ 1351.808 *Exempt sales.* This Maximum Price Regulation No. 280 shall not apply to the following:

(a) Sales and deliveries made directly by a farmer of any listed food product produced on his farm. However, this Maximum Price Regulation No. 280 shall apply to a sale or delivery by a farmers' cooperative, whether as agent or otherwise, and to a sale or delivery directly by a farmer of any listed food product to an ultimate consumer if during the preceding month the farmers' sales to ultimate consumers of all food products produced on his farm exceeded $75.00.

(b) Deliveries to the United States, or any agency thereof, under contracts entered into prior to October 5, 1942.

(c) Sales, deliveries or transactions in connection with any listed food product which may be exempt by the following sections of Revised Supplementary Regulation No. 4[3] to the General Maximum Price Regulation, as well as amendments to them, and such sections and amendments are hereby made applicable to every person selling listed food products:

(1) § 1499.29 (a) (5) (Developmental contracts)

(2) § 1499.29 (a) (6) (Secret contracts)

(3) § 1499.29 (a) (7) (Emergency purchases)

(d) Sales or deliveries by hotels, restaurants, soda fountains, bars, cafes or other similar establishments of listed food products prepared and sold for consumption on the premises.

§ 1351.809 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 280 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to a listed food product alone or in conjunction with any other commodity, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by changing a business practice relating to the price lines, grading, labeling, packaging or branding of a listed food product.

§ 1351.810 *Sales for export.* The maximum prices at which a person may export a listed food product shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[4] issued by the Office of Price Administration.

§ 1351.811 *Imports.* On and after the effective date of this Maximum Price Regulation No. 280, no person in the course of trade or business shall import or agree, offer, solicit, or attempt to import a listed food product at a price in excess of that established by this Maximum Price Regulation No. 280. "Import" means to buy, receive, or in any manner to pay for any listed food product pursuant to or in connection with any transaction, contract, agreement or other obligation whereby the listed food product is transported or is to be transported to the United States, its territories and possessions, or the District of Columbia from any place outside the United States, its territories and possessions and the District of Columbia, regardless of whether the importer deals directly with the seller, or deals through an agent, broker or other intermediary acting for either party, in or outside the United States, its territories or possessions, or the District of Columbia, and regardless of whether such importation is for use or for resale.

§ 1351.812 *Records and reports.* (a) As to all sales not specifically exempted by other sections of this Maximum Price Regulation No. 280 every person selling a listed food product shall preserve for examination by the Office of Price Administration all his existing records relating to prices which he charged for such listed food product delivered or supplied during the period from September 28, 1942, to October 2, 1942, inclusive, and his offering prices for delivery or supply of a listed food product during such period; and shall also preserve all information and records required by § 1351.807 of Temporary Maximum Price Regulation No. 22, and shall keep for examination by any person during ordinary business hours, a statement showing (1) the highest prices charged for such listed food product delivered or supplied during such period and his offering prices for delivery or supply of a listed food product during such period, together with an appropriate identification of such product and (2) all his customary allowances, discounts, and other price differentials.

(b) As to all sales not specifically exempted by other sections of this Maximum Price Regulation No. 280, every person selling a listed food product shall keep and make available for examination by the Office of Price Administration records of the same kind as he has customarily kept relating to the prices which he charged for such food product during the period from September 28,

[3] 7 F.R. 5056, 5089, 5566, 6082, 6084, 6426, 6793, 6744, 7175, 7538, 8021.

[4] 7 F.R. 5059, 7242, 8829, 9000.

1942, to October 2, 1942, inclusive, and, in addition, records showing, as precisely as possible, the basis upon which he determined maximum prices.

(c) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraphs (a) and (b) of this section as the Office of Price Administration may from time to time require.

§ 1351.813 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 280 are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 280 or of any price schedule, regulation, or practices which constitute such a violation are urged to communicate with the nearest district, state, field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1351.814 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 280 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1351.815 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to and at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situations, where a petition for amendment requires extended consideration, the Price Administrator, may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendancy of the petition in accordance with the disposition of the petition.

§ 1351.816 *Definitions.* (a) When used in this Maximum Price Regulation No. 280, the term:

(1) "Person" means individual, corporation, partnership, association or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agencies of any of the foregoing;

(2) "Highest price charged during the base period" means the highest price which the seller (except a seller of wheat flour or a seller of corn meal, hominy or hominy grits) charged for a listed food product delivered by him during the period from September 28, 1942, to October 2, 1942, inclusive, to a purchaser of the same class, or, if the seller made no such delivery during such period, his highest offering price for delivery during that period to a purchaser of the same class. In the case of a seller of wheat flour or a seller of corn meal, hominy or hominy grits in bulk and packaged in quantities greater than three pounds, "highest price charged during the base period" means the highest price at which the seller during the period from September 28, 1942, to October 2, 1942, inclusive, contracted to sell for immediate or future delivery to a purchaser of the same class, or if the seller made no such contract during such period, his highest offering price during that period to a purchaser of the same class. No seller shall change his customary allowances, discounts or other price differentials unless such change results in a lower price. No seller shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery or supply of any listed food product than the seller required purchasers of the same class to pay during such period on deliveries of a listed food product.

(3) "Purchaser of the same class" refers to the practice followed by the seller in the ninety-day period preceding October 2, 1942, in setting different prices for sales to different purchasers or kinds of purchasers (for example, but not limited to, manufacturer, wholesaler, jobber, retailer, government agency, public institutions, individual consumer or any ordinarily recognized subgroup or combination of the foregoing) or for purchasers located in different areas or for different quantities or under different conditions of sale.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

§ 1351.817 *Relation to other maximum price regulations.* (a) The provisions of this Maximum Price Regulation No. 280 shall not apply to any sale or delivery of a listed food product for which a maximum price is in effect on December 3, 1942, under the provisions of any other price regulation, including the General Maximum Price Regulation, issued by the Office of Price Administration.

(b) The following sections of the General Maximum Price Regulation, as well as the Amendments to them, shall be applicable to every person selling a listed food product:

(1) *Adjustment of maximum prices in cases of special deals* (§ 1499.4b).

(2) *Transfers of business or stock in trade* (§ 1499.5).

(3) *Federal and state taxes* (§ 1499.7). In applying § 1499.7 of the General Maximum Price Regulation, the base period of September 28, 1942, to October 2, 1942, inclusive, shall be substituted for the period of March, 1942 used therein, and the date October 2, 1942, shall be substituted for the date March 31, 1942, used therein.

(4) *Sales slips and receipts* (§ 1499.14).

(5) *Registration* (§ 1499.15).

(6) *Licensing* (§ 1499.16).

§ 1351.818 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 280 shall be applicable to the United States, its territories and possessions, and the District of Columbia.

§ 1351.819 *Revocation of Temporary Maximum Price Regulation No. 22.* Temporary Maximum Price Regulation No. 22 (§§ 1351.801 to 1351.814, inclusive), which was issued October 3, 1942, and which was to expire on December 3, 1942, is hereby revoked and replaced by this Maximum Price Regulation No. 280.

§ 1351.820 *Effective date.* Maximum Price Regulation No. 280 (§§ 1351.801 to 1351.820, inclusive) shall become effective on December 3, 1942.

Issued this 3d day of December 1942.

LEON HENDERSON,
Administrator.

Approved:

PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 42-12845; Filed, December 3, 1942; 4:21 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5C,[1] Amendment 2]

MILEAGE RATIONING: GASOLINE REGULATIONS

TEMPORARY LIMITED BANKING AMENDMENT

A rationale involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Sixteen new sections, §§ 1394.8325 through 1394.8340, are added as set forth below:

Gasoline Ration Bank Accounts

§ 1394.8325 *Meaning of terms used in §§ 1394.8325 through 1394.8340.* When used in §§ 1394.8325 through 1394.8340:

(a) "Account" means gasoline ration bank account.

(b) "Albany Ration Banking Office" means the Ration Banking Office of the Office of Price Administration, 76 State Street, Albany, New York.

(c) "Area" means introductory area.

(d) "Depositor" means a person required by § 1394.8329 to open a gasoline ration bank account.

(e) "Introductory area" means the following area of New York State: the cities of Albany, Schenectady, Troy, Cohoes, Rensselaer, Mechanicsville, and Watervliet; and the towns of Glenville, Rotterdam, Niskayuna, Guilderland, Colonie, Waterford, Schaghticoke, Brunswick, North Greenbush, East Greenbush, and Bethlehem.

(f) "Issue" when used with respect to a voucher, means the delivery of a completed voucher.

(g) "Listed bank" means one of the following banks or bank branches:

First Trust Company, Main Office, 31-37 State Street, Albany, New York.

First Trust Company, Branch, 135 South Pearl Street, Albany, New York.

First Trust Company, Branch, 252 Washington Avenue, Albany, New York.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9135, 9787.

Mechanics and Farmers Bank, 63 State Street, Albany, New York.
National Commercial Bank and Trust Company, Main Office, 60 State Street, Albany, New York.
National Commercial Bank and Trust Company, Branch, 200 Washington Avenue, Albany, New York.
National Commercial Bank and Trust Company, Branch, Broadway, corner of Pleasant, Albany, New York.
National Commercial Bank and Trust Company, Altamont Branch, Altamont, New York.
National Commercial Bank and Trust Company, Delmar Branch, Delmar, New York.
State Bank of Albany, Main Office, 63 State Street, Albany, New York.
State Bank of Albany, Branch, 339 Central Avenue, Albany, New York.
State Bank of Albany, Mechanicville Branch, Mechanicville, New York.
Manufacturers Bank of Cohoes, Cohoes, New York.
National Bank of Cohoes, Cohoes, New York.
Rensselaer County Bank and Trust Company Main Office, 810 Broadway, Rensselaer, New York.
Rensselaer County Bank and Trust Company, Branch Office, 156 Broadway, Rensselaer, New York.
Citizens Trust Company, Main Office, 436 State Street, Schenectady, New York.
Citizens Trust Company, Branch Office, Broadway, corner Westinghouse Place, Schenectady, New York.
Mohawk National Bank, Main Office, 216 State Street, Schenectady, New York.
Mohawk National Bank, Branch, Albany Street, corner Hulett, Schenectady, New York.
Morris Plan Industrial Bank, 244 State Street, Schenectady, New York.
Schenectady Trust Company, Main Office, 320 State Street, Schenectady, New York.
Schnectady Trust Company, Branch, 959 Crane Street, Schenectady, New York.
Schenectady Trust Company, Branch, 1050 State Street, Schenectady, New York.
Union National Bank, 334 State Street, Schenectady, New York.
Glenville Bank, Scotia, New York.
National Bank of Watervliet, Watervliet, New York.
Bank of Waterford, Waterford, New York.
Manufacturers National Bank, Main Office, 4th and Grand Streets, Troy, New York.
Manufacturers National Bank, Branch, 604 2nd Street, Troy, New York.
Manufacturers National Bank, Branch, 31 3rd Street, Troy, New York.
National City Bank of Troy, 89 Third Street, Corner State Street, Troy, New York.
Union National Bank (of Troy), 50 Fourth Street, Troy, New York.

(h) "Listed board" means any one of the following boards:

Local board name:	*Local board No.*
Albany City and County Board	1-4-1
Cohoes City Board	1-1-2
Watervliet City Board	1-1-3
Rensselaer City Board	38-1-1
Rensselaer County Board	38-0-1
Troy City Board	38-1-2
Saratoga County Board	41-0-1
Mechanicville City Board	41-1-1
Schenectady City and County Board	42-4-1

(i) "Named transferee" means the depositor, listed board or Office of Price Administration named in a voucher as the person to whom or to whose account the amount specified thereon is to be transferred.

(j) "Person" shall have the meaning designated in § 1394.7551 (a) (32) and shall also include board.

(k) "Voucher" means a gasoline transfer voucher on Form OPA RB-30.

§ 1394.8326 *Scope of §§ 1394.8325 through 1394.8340.* The provisions of §§ 1394.8325 through 1394.8340 shall apply only in the introductory area.

§ 1394.8327 *Administration of §§ 1394.8325 through 1394.8340.* In addition to the administrative personnel provided for in § 1394.7601, §§ 1394.8325 through 1394.8340 shall be administered by the listed banks acting in the performance of such duties as agents for, and under the direction of, the Office of Price Administration, and responsible only to the Office of Price Administration.

§ 1394.8328 *Prohibition.* Notwithstanding anything to the contrary contained in Ration Order No. 50, on and after December 1, 1942, except as otherwise provided in paragraph (a) of § 1394.8331 and § 1394.8338, no evidences required to be deposited by paragraph (a) of § 1394.8331 shall be surrendered by or accepted from a depositor, but vouchers shall be issued or accepted in place thereof.

§ 1394.8329 *Persons required to open gasoline ration bank accounts.* Every intermediate distributor registered with a listed board, and every licensed distributor having a place of business within the introductory area shall open a gasoline ration bank account.

§ 1394.8330 *Application for an account.* (a) Application for an account shall be made by the intermediate or licensed distributor on or after December 1, 1942, at a listed bank at which the intermediate or licensed distributor carries a checking account. If the intermediate or licensed distributor does not carry a checking account at a listed bank application shall be made to any listed bank.

(b) Application shall be made in duplicate on Form OPA RB-10, and shall contain specimen signatures of all persons authorized to sign and issue vouchers for the depositor against such account, and shall be accompanied by proof satisfactory to the bank that the execution of the application and the designation thereon of persons authorized to sign vouchers was duly authorized. The depositor shall also submit to the bank such references and other proofs of identity or of authority to engage in business as the bank may require.

(c) The application shall be signed in the presence of an officer of the bank, who shall witness the signature and certify to the compliance by the applicant with all the requirements of paragraphs (a) and (b) of this section. The bank shall thereupon open a gasoline ration bank account in the name of the applicant, assign a number to the account and issue to the applicant a set of gasoline credit slips (Form OPA RB-31) and serially numbered vouchers. It shall retain the original of the application and forward the duplicate to the Albany Ration Banking Office. The bank shall prepare for each account a depositor's ledger card on which debits and credits shall be stated in gallons and posted in accordance with the bank's general posting practice.

(d) Notwithstanding the provisions of paragraphs (a), (b) and (c) of this section, no intermediate or licensed distributor who on November 30, 1942, had a gasoline ration bank account, established pursuant to Ration Order No. 5A, shall be required to make a new application for an account, but shall instead continue to use the gasoline ration bank account applied for and opened for him pursuant to the provisions of Ration Order No. 5A.

§ 1394.8331 *Deposits.* (a) On opening the account each depositor shall deposit all evidences on hand which were received in exchange for transfers of gasoline from a place of business within the introductory area; thereafter he shall deposit all such evidences within fifteen (15) days of their receipt. He shall also deposit all evidences on hand which were received from a listed board for gasoline used by him within New York State; thereafter he shall deposit all such evidences within fifteen (15) days of his use of such gasoline. He shall also deposit all vouchers issued to him within fifteen (15) days after the date appearing on the face thereof. *Provided, however,* That evidences which are required by § 1394.8218 to be attached in the form of an exchange certificate to a monthly State motor fuel tax report to a State motor fuel tax administration other than the New York State motor fuel tax administration shall not be deposited.

(b) On opening the account any depositor who is a licensed distributor and who maintains an office within the introductory area from which reports are regularly made to the New York State motor fuel tax administration, covering all such depositor's transfers or uses of gasoline within New York State, may deposit all evidences on hand or thereafter received except evidences which are required by § 1394.8218 to be attached, in the form of an exchange certificate, to a monthly motor fuel tax report to a State motor fuel tax administration other than the New York State motor fuel tax administration.

(c) On and after December 1, 1942, vouchers not deposited as required in paragraph (a) hereof shall be invalid.

(d) Each deposit shall be accompanied by a two-part credit slip (Form OPA RB-31) bearing the depositor's name and address and the number assigned to the account in which the deposit is made, and listing the items deposited. Coupons deposited shall be properly affixed to a coupon sheet (Form OPA R-542) as provided in § 1394.8211. Other evidences and vouchers shall be endorsed by the depositor before deposit.

(e) The bank shall acknowledge receipt of the deposit on the stub and return it to the depositor. It may, however, accept a deposit subject to verification by the end of the following business day, in which case it shall immediately notify the depositor of any errors discovered. Upon receipt of such notification, the depositor shall return his stub for correction.

(f) The account shall be credited with the gallonage value of evidences and vouchers deposited therein.

§ 1394.8332 *Issuance of vouchers; effect.* (a) A voucher shall be issued by or accepted from a depositor only for the purposes for which the surrender

of evidences of equal gallonage value by, or the acceptance thereof from, a person other than a depositor is permitted. The issuance of a voucher by a depositor shall have the same effect as the surrender of evidences of equal gallonage value under like circumstances by a person other than a depositor. However, a voucher may be issued to the Office of Price Administration pursuant to § 1394.8336, to a listed board pursuant to paragraph (a) of § 1394.8333, or to a listed board to obtain an exchange certificate or inventory coupons of gallonage value equal to the voucher, for surrender pursuant to § 1394.8338. A listed board, upon issuance to it of a voucher for such purpose, shall issue an exchange certificate or inventory coupons in gallonage value equal thereto.

(b) No voucher shall be issued by or accepted from a person other than a depositor, or issued to or accepted by a person other than a depositor, a listed board, or the Office of Price Administration named thereon as transferee. Vouchers shall not be negotiable. No bank shall accept for deposit to the account of any depositor a voucher of which a person other than such depositor is the named transferee.

(c) Upon the deposit of a voucher pursuant to paragraph (a) of § 1394.8331, the bank of deposit shall return the voucher to the drawee bank, which shall debit it to the account on which it is drawn.

§ 1394.8333 *Vouchers issued to listed boards.* (a) Whenever a depositor is required to surrender evidences to a listed board, he shall issue to such board a voucher in the same gallonage value as such evidences.

(b) A voucher issued to a listed board, pursuant to paragraph (a) of this section or to paragraph (a) of § 1394.8332 shall be returned by such board to the drawee bank, which shall debit it to the account on which it is drawn.

§ 1394.8334 *Overdrafts; post-dated vouchers.* (a) No voucher shall be drawn on any account in an amount in excess of the balance on deposit therein, less the amount of outstanding vouchers drawn thereon. A drawee bank receiving for debit a voucher which is drawn in an amount in excess of the balance on deposit in the account, or which is drawn on a non-existent account, shall immediately transmit the voucher, together with a statement of the circumstances, to the Albany Ration Banking Office.

(b) No voucher shall bear a date later than the date on which it is issued.

§ 1394.8335 *Invalid and lost vouchers.* (a) Vouchers which are torn, mutilated, or incorrectly made out or on which an erasure or other alteration appears (whether initialled or not) shall be invalid.

(b) A named transferee having an invalid voucher shall return it to the depositor from whom it was received, retaining a record of the amount and the account and serial numbers of the voucher. No bank shall accept for deposit an invalid voucher. A named transferee who has lost a voucher shall immediately notify the depositor from whom it was received in writing of the loss.

(c) A depositor receiving a returned invalid voucher or advised pursuant to paragraph (b) of this section of the loss of a voucher shall replace such voucher within five (5) days if the named transferee is a listed board or a depositor who has already delivered gasoline against such voucher. If he fails to do so, the named transferee shall immediately notify the Albany Ration Banking Office.

(d) A depositor who is notified of the loss of a voucher shall immediately file with the bank from which he obtained the voucher form a Missing Voucher Statement (Form OPA RB-12). A drawee bank which receives for debit a voucher as to which it has on file a missing voucher statement shall immediately notify the Albany Ration Banking Office.

(e) A depositor shall insert the account number, mark "cancelled", and return all invalid vouchers and all vouchers made out but not issued to the bank carrying the account with respect to which the voucher forms were obtained.

(f) If a drawee bank receives for debit to the account of a depositor a voucher bearing a serial number not immediately succeeding the highest serial number of any voucher drawn on such account and theretofore received by the bank, and if the voucher or vouchers bearing the intervening serial numbers, or missing voucher statements for each intervening voucher, are not received by the drawee bank within fifteen (15) days thereafter, the drawee bank shall notify the depositor of such fact. If the depositor fails properly to account for such vouchers within five (5) days after such notification, the bank shall notify the Albany Ration Banking Office.

(g) A drawee bank receiving for debit a voucher which appears to be invalid for any reason other than that it is an overdraft or is drawn on a non-existent account shall immediately notify the depositor on whose account the voucher is drawn. The depositor shall notify the bank in writing within two (2) days whether or not the voucher is valid. If he verifies the voucher, it shall be debited to his account. If he fails to verify it, the bank shall immediately send the voucher and a report of the circumstances to the Albany Ration Banking Office.

§ 1394.8336 *Vouchers issued by licensed distributors to the Office of Price Administration.* Each licensed distributor who is a depositor shall attach to his monthly State motor fuel tax report to the New York State motor fuel tax administration a voucher drawn on his account, payable to the Office of Price Administration, and confirmed by his bank, in an amount equal to the gallonage value of evidences which he has deposits pursuant to § 1394.8331 and which he would otherwise be required by § 1394.8218 to attach to such report in the form of an exchange certificate. Such confirmation by the bank shall constitute a certification that the balance in depositor's account is sufficient to meet the voucher. The bank shall debit the depositor's account in the amount of the voucher immediately upon making the confirmation.

§ 1394.8337 *Reversal of credits; stop orders.* (a) No bank which has accepted for deposit a voucher valid on its face shall cancel the credit resulting from such deposit except upon order of the Office of Price Administration.

(b) No depositor shall issue a stop order and no stop order shall be honored as to any voucher.

(c) Upon receipt of instructions from the Office of Price Administration to debit or credit an account of a depositor, the bank shall debit or credit such account in the amount instructed and notify the depositor thereof.

§ 1394.8338 *Permitted surrender by depositors of exchange certificates or inventory coupons.* A depositor may surrender to a person other than a depositor, a listed board, or the Office of Price Administration, exchange certificates or inventory coupons received from a listed board pursuant to § 1394.8332 (a).

§ 1394.8339 *Records and duties of depositors.* (a) Each depositor shall retain, for a period of one (1) year, all depositor's stubs, voucher stubs, and statements obtained pursuant to paragraph (b) of this section.

(b) Each depositor shall obtain from his bank monthly a statement of his account. He shall check this statement against his records, and any errors or other discrepancies shall be reported to the bank within twenty (20) days after the date of issuance of the statement. Otherwise any errors shall be deemed to have been waived by the depositor. Each depositor shall be entitled to examine his cancelled vouchers at his bank on one day each month designated by the bank for that purpose.

(c) Any dispute between a depositor and his bank with respect to the amount of the balance in an account shall be referred to the Albany Ration Banking Office for decision by the Office of Price Administration.

§ 1394.8340 *Bank records and accounts confidential.* All records kept by any bank with respect to an account shall be confidential and shall be subject to inspection, removal or other disposition only as the Office of Price Administration may from time to time order.

Effective Date

§ 1394.8352 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1394.8325 through 1394.8340) to Ration Order No. 5C shall become effective December 1, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507 and 421, 77th Cong.; W.P.B. Dir. 1, Amendment 2 to Supp. Dir. 1 (H); 7 F.R. 562, 3478, 3877, 5216)

Issued this 3d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12846; Filed, December 3, 1942; 4:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 1 of Order 118, Under § 1499.3 (b) of GMPR]

THE UPJOHN COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, paragraphs (c) and (e) of § 1499.982 of Order No. 118[1] are amended and a new paragraph (i) is added to § 1499.982 to read as set forth below:

§ 1499.982 *Approval of maximum prices for sales of Minicaps B and Minicaps B with C.* * * *

(c) *Sales by retail drug establishments*—(1) *Maximum prices.* The maximum prices for sales by any retail drug establishment, except for sales on prescription as provided in subparagraph (3) of this paragraph, of Minicaps B or Minicaps B with C are established as set forth below:

	Per package of 30 capsules
Minicaps B	$1.58
Minicaps B with C	1.97

When used in this paragraph the term "retail drug establishment" means any person who buys Minicaps B or Minicaps B with C either from The Upjohn Company or from a wholesale drug house and resells them, without substantially changing their form, directly to consumers.

(2) *Discounts, allowances, and price differentials.* Any retail drug establishment making sales of Minicaps B or Minicaps B with C shall apply to the maximum prices set forth for such sales in subparagraph (1) of this paragraph all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of shipping charges, and other customary discounts or allowances which were in effect in March, 1942, on sales by the retail drug establishment of Torulexin or on sales of the vitamin B complex product most comparable to Minicaps B or Minicaps B with C if the retail drug establishment did not sell Torulexin in March, 1942.

(3) *Sales on prescription.* The maximum prices established by subparagraph (1) of this paragraph shall not apply to sales on prescription of Minicaps B or Minicaps B with C. The maximum price for a sale on prescription of Minicaps B or Minicaps B with C shall be determined by the person making the sale on prescription in accordance with the provisions of § 1499.3 (b) of the General Maximum Price Regulation, except that no report of the maximum price so determined need be filed as required by that section.

* * * * *

(e) *Notification of maximum prices*—(1) *By The Upjohn Company to direct-buying retail drug establishments.* The Upjohn Company shall supply to each retail drug establishment before or at the time of its first delivery of each package of Minicaps B or Minicaps B with C to such retail drug establishment a written statement as follows:

The OPA has authorized us to charge $1.05 for each package of 30 capsules of Minicaps B and $1.32 for each package of 30 capsules of Minicaps B with C, subject to all customary discounts and allowances. Your ceiling prices are authorized to be $1.58 for each package of 30 capsules of Minicaps B and $1.97 for each package of 30 capsules of Minicaps B with C, except for sales on prescription. Maximum prices for sales on prescription must be determined under section 3 (a) of the GMPR, except that no report of the maximum prices need be filed. OPA requires that you keep this notice for examination.

(2) *By The Upjohn Company to wholesale drug houses and to retail drug establishments via wholesale drug houses.* The Upjohn Company shall supply to each wholesale drug house before or at the time of its first delivery of each package of Minicaps B or Minicaps B with C and in addition shall include with each shipping unit of such products for a period of three months a written notification. If such notice is enclosed in a shipping unit a legend shall be affixed outside of such unit to read "Retailer's Notice Enclosed." The written notification shall read as follows:

The OPA has authorized us to charge wholesale drug houses $1.05 for each package of 30 capsules of Minicaps B and $1.32 for each package of 30 capsules of Minicaps B with C, subject to all customary discounts and allowances. Wholesale drug houses are authorized to establish ceiling prices of $1.24 for each package of 30 capsules of Minicaps B and $1.55 for each package of 30 capsules of Minicaps B with C, subject to all customary discounts and allowances. Retail drug establishments are authorized to establish ceiling prices of $1.58 for each package of 30 capsules of Minicaps B and $1.97 for each package of 30 capsules of Minicaps B with C, except for sales on prescription. The maximum prices for sales on prescription shall be determined under section 3 (a) of the GMPR, except that no report of the maximum prices need be filed. If the initial sale by a wholesale drug house to a retail drug establishment is a split-case scale, the wholesale drug house is required to provide such retail drug establishment with a copy of this notice. OPA requires that you keep this notice for examination.

* * * * *

(i) Amendment No. 1 (§ 1499.982 (c), (e), and (i)) to Order No. 118 under § 1499.3 (b) of the General Maximum Price Regulation shall become effective December 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12848; Filed, December 3, 1942; 4:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment of Order 131, Under § 1499.3 (b) of GMPR]

WM. P. POYTHRESS AND CO., INC.

For the reasons set forth in an opinion issued simultaneously herewith, paragraphs (c) and (e) of § 1499.994 of Order No. 131[1] are amended and a new paragraph (i) is added to § 1499.994 to read as set forth below:

§ 1499.994 *Approval of maximum prices for sales of Merpectogel with applicator or Merpectogel without applicator.* * * *

(c) *Sales by retail drug establishments*—(1) *Maximum prices.* The maximum prices for sales by any retail drug establishment, except for sales on prescription as provided in subparagraph (3) of this paragraph, of Merpectogle with applicator or Merpectogel without applicator are established as set forth below:

Merpectogel with applicator	$1.50
Merpectogel without applicator	1.20

When used in this paragraph the term "retail drug establishment" means any person who buys Merpectogel with applicator or Merpectogel without applicator either from Wm. P. Poythress & Co., Inc., or from a wholesale drug house and resells it, without substantially changing its form, directly to consumers.

(2) *Discounts, allowances, and price differentials.* Any retail drug establishment making sales of Merpectogel with applicator or Merpectogel without applicator shall apply to the maximum prices set forth for such sales in subparagraph (1) of this paragraph all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of shipping charges, and other customary discounts or allowances which were in effect in March, 1942, on sales by the retail drug establishment of P M N Ointment or on sales of the ointment most nearly comparable to Merpectogel with applicator or Merpectogel without applicator if the retail drug establishment did not sell P M N Ointment in March 1942.

(3) *Sales on prescription.* The maximum prices established by subparagraph (1) of this paragraph shall not apply to sales on prescription of Merpectogel with applicator or Merpectogel without applicator. The maximum price for a sale on prescription of Merpectogel with applicator or Merpectogel without applicator shall be determined by the person making the sale on prescription in accordance with the provisions of § 1499.3 (b) of the General Maximum Price Regulation, except that no report of the maximum price so determined need be filed as required by that section.

* * * * *

(e) *Notification of maximum prices*—(1) *By Wm. P. Poythress & Co., Inc., to direct-buying retail drug establishments.* Wm. P. Poythress & Co., Inc., shall supply to each retail drug establishment before or at the time of its first delivery of Merpectogel with applicator or Merpectogel without applicator to such retail drug establishment a written statement as follows:

The OPA has authorized us to charge $1.00 for Merpectogel with applicator and 80 cents for Merpectogel without applicator, subject to all customary discounts and allowances. Your ceiling prices are authorized to be $1.50 for Merpectogel with applicator and $1.20 for Merpectogel without applicator, except for sales on prescription. Maximum prices for sales on prescription must be determined under section 3 (a) of the General Maximum Price Regulation, except that no report of the maximum prices need be filed. OPA

[1] 7 F.R. 8931.

[1] 7 F.R. 9200.

requires that you keep this notice for examination.

(2) *By Wm. P. Poythress & Co., Inc., to wholesale drug houses and to retail drug establishments via wholesale drug houses.* Wm. P. Poythress & Co., Inc., shall supply to each wholesale drug house before or at the time of its first delivery of Merpectogel with applicator or Merpectogel without applicator and in addition shall include with each shipping unit of such product for a period of three months a written notification. If such notice is enclosed in a shipping unit a legend shall be affixed outside of such unit to read "Retailer's Notice Enclosed." The written notification shall read as follows:

The OPA has authorized us to charge wholesale drug houses 84 cents for Merpectogel with applicator and 67 cents for Merpectogel without applicator, subject to all customary discounts and allowances. Wholesale drug houses are authorized to establish ceiling prices of $1.00 for Merpectogel with applicator and 80 cents for Merpectogel without applicator, subject to all customary discounts and allowances. Retail drug establishments are authorized to establish ceiling prices of $1.50 for Merpectogel with applicator and $1.20 for Merpectogel without applicator, except for sales on prescription. The maximum prices for sales on prescription shall be determined under section 3 (a) of the General Maximum Price Regulation, except that no report of the maximum prices need be filed. If the initial sale by a wholesale drug house to a retail drug establishment is a split-case sale, the wholesale drug house is required to provide such retail drug establishment with a copy of this notice. OPA requires that you keep this notice for examination.

* * * * *

(i) Amendment No. 1 (§ 1499.994 (c), (e), and (i)) to Order No. 131 under § 1499.3 (b) of the General Maximum Price Regulation shall become effective December 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12849; Filed, December 3, 1942; 4:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 72 to Supp. Reg. 14[1] to GMPR[2]]

COAL TRANSPORTED IN BARGES ALONG ATLANTIC COAST

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Subparagraph (5) of paragraph (a) of § 1499.73 is amended to read as set forth below:

§ 1499.73 *Modification of maximum prices established by §1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

* * * * *

(5) *Transportation of coal in barges along the Atlantic Coast.* (i) Maximum prices for the transportation of coal in barges along the Atlantic Coast between the origins and destinations referred to below by carriers other than common carriers within the exemption conferred by section 302 (c) (2) of the Emergency Price Control Act of 1942 shall be as follows:

MAXIMUM RATES[1] FOR TRANSPORTATION OF COAL IN BARGES

From [2] New York [3] to:	Weight of cargo in net tons				
	600 or less	Over but not over 1200	Over but not over 1800	Over but not over 2400	Over 2400
Stamford, Conn.	$0.90	$0.80	$0.75	$0.70	$0.65
Norwalk, Conn.	.90	.85	.80	.75	.70
Bridgeport, Conn.	.90	.85	.80	.75	.70
Stratford, Conn.	1.15	1.05	1.00	.95	.90
Devon, Conn.	1.15	1.05	1.00	.95	.90
New Haven, Conn.	.95	.85	.80	.75	.70
Branford, Conn.	1.15	1.05	1.00	.95	.90
Middletown, Conn.	1.35	1.25	1.20	1.15	1.10
Hartford, Conn.	1.35	1.25	1.20	1.15	1.10
New London, Conn.	1.35	1.25	1.15	1.05	1.00
Allyns Point, Conn.	1.40	1.30	1.20	1.10	1.05
Montville, Conn.	1.40	1.30	1.20	1.10	1.05
Norwich, Conn.	1.45	1.35	1.25	1.15	1.10
Newport, R. I.	1.60	1.75	1.60	1.45	1.35
Providence, R. I.	1.60	1.75	1.60	1.45	1.35
Pawtucket, R. I.	2.00	1.85	1.70	1.55	1.45
Warren, R. I.	1.95	1.80	1.65	1.50	1.40
Fall River, Mass.	1.60	1.75	1.60	1.45	1.35
Somerset, Mass.	1.60	1.75	1.60	1.45	1.35
Woods Hole, Mass.	2.15	2.00	1.85	1.70	1.60
Martha's Vineyard, Mass.	2.30	2.15	2.00	1.85	1.75
Nantucket, Mass.	2.20	2.25	2.20	2.05	1.95
New Bedford, Mass.	2.05	1.90	1.75	1.60	1.50
Plymouth, Mass.	2.45	2.30	2.10	1.95	1.75
Hull, Mass.	2.50	2.35	2.15	1.90	1.80
Weymouth, Mass.	2.45	2.30	2.05	1.80	1.70
Boston, Mass.	2.40	2.25	2.00	1.75	1.65
Lynn, Mass.	2.45	2.30	2.05	1.80	1.70
West Lynn, Mass.	2.50	2.35	2.10	1.85	1.75
Marblehead, Mass.	2.45	2.30	2.05	1.80	1.70
Salem, Mass.	2.40	2.25	2.00	1.75	1.65
Beverly, Mass.	2.45	2.30	2.05	1.80	1.70
Gloucester, Mass.	2.50	2.35	2.10	1.85	1.75
Newburyport, Mass.	4.15	4.00	3.75	3.50	3.40
Portsmouth, N. H.	2.05	2.50	2.25	2.00	1.90
Biddeford, Maine	4.15	4.00	3.75	3.50	3.40
Saco, Maine	4.15	4.00	3.75	3.50	3.40
Portland, Maine	2.75	2.60	2.35	2.10	2.00
Portland, Maine (Fort McKinley)	3.35	3.40	3.15	2.90	2.70
Boothbay, Maine	2.90	2.75	2.50	2.25	2.15
Bath, Maine [4]	3.05	2.90	2.65	2.40	2.30
Gardiner, Maine	3.25	3.40	3.15	2.90	2.80
Hallowell, Maine	3.70	3.55	3.30	3.05	2.95
Augusta, Maine	3.80	3.65	3.40	3.15	3.05
Rockland, Maine [4]	3.30	3.15	2.90	2.70	2.60
Belfast, Maine	3.60	3.75	3.50	3.25	3.05
Camden, Maine	3.60	3.75	3.50	3.25	3.05
Searsport, Maine	3.50	3.35	3.10	2.85	2.75
Sandy Point, Maine	3.70	3.55	3.30	2.85	2.75
Bucksport, Maine	3.25	3.40	3.15	2.90	2.80
Castine, Maine	4.00	3.85	3.60	3.35	3.25
N. E. Harbor, Maine	4.00	3.85	3.60	3.35	3.25
S. W. Harbor, Maine	4.00	3.85	3.60	3.35	3.25
Bar Harbor, Maine	4.00	3.85	3.60	3.35	3.25
Bangor, Maine	3.80	3.65	3.40	3.15	3.05
Brewer, Maine	4.00	3.85	3.60	3.35	3.25
Stonington, Maine	4.00	3.85	3.60	3.35	3.25

[1] Rates are stated in terms of dollars per net ton and are exclusive of expenses for loading and discharging and for cargo insurance. The trimming charge made at loading piers is for the account of the vessel and is included in the rate.

[2] From Hampton Roads to New York, the maximum rate for all cargoes shall be $2.00 per net ton. From Hampton Roads to the destinations described in this subdivision (i), the maximum rates set forth herein shall be increased by $1.25 per net ton.

[3] Rates shown apply from Lower New Jersey Piers, including South Amboy, Perth Amboy, Port Reading, and Elizabethport. Deduct five cents per net ton when transportation commences at Upper New Jersey Piers, including Jersey City, Hoboken, Weehawken, Guttenberg, and Edgewater.

[4] Add twenty-five cents per net ton when transportation is to piers with no more than fourteen feet of water.

The maximum rate applicable to any destination on the Atlantic Coast northerly from New York not specified above shall be the rate shown from the same origin to the closest destination set forth above.

(ii) The provisions of the General Maximum Price Regulation, other than § 1499.11 (a), shall not apply until August 3, 1942, to the transportation of coal in barges between the origins and destinations referred to in paragraph (i) above, when such transportation is performed by carriers other than common carriers within the exemption conferred by section 302 (c) (2) of the Emergency Price Control Act of 1942.

* * * * * *

(b) *Effective dates.* * * *

(73) Amendment No. 72 (§ 1499.73 (a) (5)) to Supplementary Regulation No. 14 shall become effective on December 3, 1942.

Issued this 3d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12847; Filed, December 3, 1942; 4:20 p. m.]

PART 1304—IRON AND STEEL SCRAP

[RPS 4,[1] Amendment 9]

IRON AND STEEL SCRAP

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subdivision (i) of § 1304.13 (c) (3), subparagraphs (1), (3) and (4) of § 1304.13 (d), paragraph (a) of § 1304.14, the last undesignated paragraph of § 1304.14 (b) (2), subparagraph (3) of § 1304.15 (b) are amended, and a new Exception 8 is added to § 1304.13 (d) (4); all to read as set forth below:

§ 1304.13 *Appendix A: Maximum prices for iron and steel scrap other than railroad scrap.* * * *

(c) *Maximum shipping point prices.* * * *

(3) *Established charges.* (i) The transportation charges or switching charges used in computing maximum shipping point prices need not reflect any rise in rates which became effective after March 14, 1942; nor need such charges reflect the amount of any tax imposed upon such charges.

* * * * *

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[1] 7 F.R. 5486, 5709, 6008, 5911, 6008, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7536, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 9032, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196, 9397, 9391, 9395, 9495, 9406, 9639, 9786.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5775, 5784, 5783, 6058, 6081, 5484, 5565, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F. R. 1297, 2132, 2155, 2597, 3637, 3550, 3889, 4483, 6217, 8190, 8948.

(d) *Maximum prices delivered to the plant of a consumer.* * * *

(1) *Where transportation from shipping point to point of delivery is wholly or partially by rail, by vessel, or combination of rail and vessel,* the maximum delivered price shall be the shipping point price as determined in paragraph (c) of this section, plus the established charge for transporting the scrap from the shipping point to the point of delivery by the mode of transportation employed.

Where transportation from shipping point to point of delivery includes a rail-truck movement to a consumer lacking adequate facilities for receiving the scrap by rail, and the truck portion of such rail-truck movement occurs in a motor vehicle other than a public carrier, no established charges or costs incurred in unloading the scrap from the railroad car and hauling the scrap to point of delivery may be included in the delivered price. In lieu thereof, $1.00 per gross ton may be included in the delivered price. If the consumer has adequate facilities for receiving the scrap by rail, no charge may be made for the truck portion of such rail-truck movement.

Where transportation from shipping point to point of delivery includes water movement, if no established rate exists for such water movement, then the actual charge or cost incurred in such movement may be used in computing the maximum delivered price.

If transportation from shipping point to point of delivery includes water movement other than by deck scow or railroad lighter, and tariffs establishing charges at the dock are published, charges incurred at the dock, but not to exceed the published tariffs may be included in the delivered price. If no such tariffs are published, or if the scrap is shipped over a dock owned or controlled by the shipper, the actual charges incurred at the dock but not to exceed 75¢ per gross ton may be included in the delivered price: *Provided, however,* That this maximum allowance shall be 50¢ per gross ton at Memphis, Tennessee, $1.00 per gross ton at Great Lakes ports, and $1.25 per gross ton at New England ports. In the case of water movement by deck scow or railroad lighter, no established charges at the dock or any charge or cost customarily incurred at the dock may be included in the delivered price. In lieu thereof, 50¢ per gross ton may be included in the delivered price.

* * * * *

(3) In computing maximum delivered prices under this paragraph, any tax imposed upon the transportation charges from shipping point to point of delivery, and any increase in the transportation charges from shipping point to point of delivery resulting from a rise in rates which became effective after March 14, 1942 may be included only if such tax and such increase are shown as separate items on the invoice.

(4) In no case, however, shall the delivered price exceed the price listed in paragraph (a) for the basing point nearest, in terms of established transportation charges, to the consumer's plant, by more than $1.00 plus the amount of any tax imposed on the transportation charges from shipping point to point of delivery, plus any increase in the transportation charges from shipping point to point of delivery resulting from a rise in rates which became effective after March 14, 1942, with the following exceptions:

* * * * *

Exception 8. If the maximum shipping point price at any shipping point is computed by using a vessel rate, and due to seasonal factors the water movement to which the vessel rate applied is unavailable, a consumer who could ordinarily receive scrap by water movement from such shipping point to the point of delivery at a delivered price not in excess of $1.00 etc. above the price at the basing point nearest the consumer's plant, may, so long as the water movement is unavailable, absorb the all-rail transportation charges incurred in the movement from such shipping point to the point of delivery.

* * * * *

§ 1304.14 *Appendix B: Maximum prices for iron and steel scrap originating from railroads*—(a) *Scrap originating from railroads operating in a basing point named below.* (All prices given below are per gross ton.) The scrap is at its point of delivery to the consumer when it has arrived for unloading at the plant of the consumer. Where used in this Appendix, the term "transportation charges" means the established charges for transporting the scrap to the point of delivery by the mode of transportation employed. The term "transportation charges" shall include any tax imposed upon the transportation charges from shipping point to point of delivery, and any increase in transportation charges resulting from a rise in rates which became effective after March 14, 1942; and where specific amounts of allowable transportation charges are mentioned, there may be superadded thereto 6% of such allowable charge and the amount of the tax on such charge. In no case shall the maximum delivered price include any charge or cost incurred in unloading the scrap at the point of delivery or in subsequent handling.

* * * * *

(b) *Scrap originating from railroads not operating in any of the basing points named above.* * * *

(2) *For the grades not listed above either of the following, whichever is less.* * * *

Where any grade of scrap is shipped to an off-line consumer, there may be added to the maximum delivered price established under this paragraph, any increase in the foreign line proportion of the through haul resulting from a rise in rates which became effective after March 14, 1942, and any tax imposed upon such haul: *Provided, however,* That such increase and such tax shall be shown as separate items on the invoice.

* * * * *

§ 1304.15 *Appendix C: Maximum prices for cast iron scrap other than railroad scrap.* * * *

(b) *Maximum price delivered to a consumer.* * * *

(3) In computing maximum delivered prices under this paragraph, any tax imposed upon the transportation charges from shipping point to point of delivery, and any increase in transportation charges from shipping point to point of delivery resulting from a rise in rates which became effective after March 14, 1942 may be included only if such tax and such increases are shown as separate items on the invoice.

* * * * *

§ 1304.12a *Effective dates of amendments.* * * *

(i) Amendment No. 9 (§§ 1304.13 (c) (3) (i), (d) (1), (d) (3), (d) (4), 1304.14 (a), (b) (2), 1304.15 (b) (3)) to Revised Price Schedule No. 4 shall become effective December 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12868; Filed, December 4, 1942; 11:55 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS

[MPR 129,[1] Amendment 12]

WAXED PAPER, ETC.

Waxed paper.
Envelopes.
Paper cups, paper containers and liquid tight containers.
Sanitary closures and milk bottle caps.
Drinking straws.
Certain sulphate and certain sulphite papers.
Certain tissue paper.
Rope and jute papers.
Technical papers.
Gummed papers.
Tags, pin tickets and marking machine tickets.
Glazed and fancy papers.
Resale book matches.
Unprinted single weight crepe paper in folds.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (a) (12) of § 1347.22 is amended to read as set forth below:

§ 1347.22 *Definitions.* (a) When used in this Maximum Price Regulation No. 129, the term: * * *

(12) "Paper cups, paper containers, and liquid tight containers" includes round, open-end, nested food and drinking cups, spirally wound liquid tight containers made of chemical and/or mechanical pulp, and conical shaped milk bottles.

* * * * *

§ 1347.25 *Effective dates of amendments.* * * *

(l) Amendment No. 12 (§ 1347.22 (a) (12)) to Maximum Price Regulation No.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3178, 3242, 3482, 3554, 4176, 4868, 5712, 5780, 5943, 7974, 8939, 8948, 9131, 9724.

129 shall become effective December 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12869; Filed, December 4, 1942; 11:55 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11,[1] Amendment 11]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (1) of paragraph (a) of § 1394.5001 is amended, a new subparagraph (16a) is added to such paragraph (a) and in subparagraph (23) of such paragraph (a), the phrase "structure, including a house trailer," is substituted for the word "structure"; in subdivision (iii) of subparagraph (1) of paragraph (a) of § 1394.5151, the word "or" is added after the phrase "its use"; and a new subdivision (iv) is added to subparagraph (1) of such paragraph (a); in paragraph (a) of § 1394.5253 the phrase "other than a house trailer," is inserted between the phrase "in any premises," and the phrase "or for hot water"; in paragraph (a) § 1394.5256 the phrase "other than a house trailer" is inserted between the words "private dwelling premises" and the words "during the heating year"; in paragraph (b) of such section, the phrase "private dwelling premises other than a house trailer" is substituted for the phrase "the premises"; in paragraph (c) of such section the phrase "other than a house trailer" is inserted between the words "private dwelling premises" and the words "and the amount"; a new paragraph (d) is added to such section; in § 1394.5259, the phrase "paragraphs (c) and (d)" is substituted for the phrase "paragraph (c)"; in paragraph (a) of § 1394.5403, the phrase "(other than those which are house trailers)" is inserted between the word "cars" and the word "may"; and a new paragraph (k) is added to § 1394.5902; as set forth below:

Definitions

§ 1394.5001 *Definitions.* (a) When used in this Ration Order No. 11:

(1) "Additional facilities" means any equipment designed to use fuel oil, other than internal combustion engines or equipment used for domestic cooking or lighting purposes, which was installed subsequent to July 31, 1942. The term also includes any space heater (whether or not installed) transferred subsequent to July 31, 1942.

* * * * *

(16a) "House trailer" means any vehicle (whether or not self propelled) used primarily for residential purposes. The term also includes any railroad car used for residential purposes and not for transporting persons or property.

* * * * *

Restrictions on Issuance of Rations

§ 1394.5151 *Restrictions on issuance of rations.* (a) No ration shall be issued or used:

(1) for the operation of additional facilities or converted facilities except where: * * *

(iv) the additional facility is a space heater and one of the following facts is established by the applicant;

(*a*) equipment burning an alternate fuel is not immediately available to replace such space heater. In such case a ration may be issued for the operation of such space heater until the earliest date when such replacement can be made (but not later than the end of the valid period for coupons numbered "2", specified in paragraph (b) of § 1394.5201);

(*b*) the applicant may obtain an auxiliary ration for the operation of a space heater for a purpose specified in paragraph (e) or (f) of § 1394.5303;

(*c*) such space heater is used to heat the same premises heated by it prior to July 31, 1942;

(*d*) for the purposes of increasing efficiency, such space heater replaces a space heater which is not an additional facility, or which is specified in inferior subdivision (c) of this subdivision (iv);

(*e*) such heater is used in a house trailer.

* * * * *

Heat and Hot Water Rations

§ 1394.5256 *Determination of allowable ration for heating private dwelling.* * * *

(d) Where application is made for a ration for the operation of a space heater in a house trailer, the allowable ration for such purpose shall be the maximum of the range established in accordance with the provisions of § 1394.5258 for the area assigned to the Board to which application is made and which has jurisdiction over the issuance of such ration pursuant to any of the subparagraphs of paragraph (b) of § 1394.5101. No ration shall be issued for the operation of a space heater for supplying domestic hot water in a house trailer.

Effective Date

§ 1394.5902 *Effective date of corrections and amendments.* * * *

(k) Amendment No. 11 (§§ 1394.5001, 1394.5151, 1394.5253, 1394.5256, 1394.5259, 1394.5403) to Ration Order No. 11 shall become effective on December 10, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 421 and 507, 77th Cong., W.P.B. Directive No. 1, 7 F.R. 562, Supp. Directive No. 1-0, 7 F.R. 8418; Executive Order No. 9125, 7 F.R. 2719)

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12870; Filed, December 4, 1942; 11:54 a. m.]

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* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8480, 8708, 8809, 8897, 9316, 9396, 9427, 9430, 9492, 9621, 9784.

PART 1396—FINE CHEMICALS AND DRUGS

[MPR 278]

TOTAQUINA AND TOTAQUINA PRODUCTS

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of totaquina and totaquina products by a specific maximum price regulation.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation No. 278 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. So far as practicable, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation.

Therefore under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Maximum Price Regulation No. 278 is hereby issued.

Sec.

AUTHORITY: §§ 1396.301 to 1396.317, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1396.301 *Prohibition against sales of totaquina and totaquina products above maximum prices.* (a) On and after December 10, 1942, regardless of any contract or other obligation:

(1) No person shall sell or deliver totaquina or any totaquina product at higher prices than the maximum prices set forth in this Maximum Price Regulation No. 278.

(2) No person shall buy or receive totaquina or any totaquina product in the course of trade or business at higher prices than the maximum prices set forth in this Maximum Price Regulation No. 278.

(3) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

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[1] 7 F.R. 8361.

(b) This Maximum Price Regulation shall not apply to sales or deliveries of totaquina or totaquina products as follows:

(1) Totaquina or totaquina products compounded or dispensed by a registered pharmacist on a prescription.

(2) Totaquina or totaquina products administered by physicians or other authorized practitioners to their bona fide patients.

§ 1396.302 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 278 may be charged, demanded, paid or offered.

§ 1396.303 *Export sales.* The maximum prices at which a person may export totaquina or totaquina products shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation [2] issued by the Office of Price Administration.

§ 1396.304 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situations where a petition for amendment or for adjustment or exception requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1396.305 *Notification.* On and after December 10, 1942, every seller, other than a retailer, shall supply each purchaser before or at the time of that purchaser's first purchase of totaquina or any totaquina product, with a notification form containing a full copy of § 1396.317, maximum prices for totaquina powder, totaquina capsules, and totaquina tablets, to which is added the following statement:

> The Office of Price Administration requires that you keep this information available for examination. Copies of Maximum Price Regulation No. 278 may be obtained from the Office of Price Administration.

Such notification may be discontinued after July 1, 1943.

§ 1396.306 *Marking packages with retail maximum prices.* On and after December 10, 1942, every seller, other than a retailer, who packages totaquina powder in containers of 5 oz. or less, or totaquina capsules or tablets in containers of 100 or less, shall include on the label of each package in easily readable type the maximum retail price per container as follows: "Retail ceiling price $_____."

§ 1396.307 *Maximum prices for totaquina products not listed in § 1396.317.* Producers of totaquina products not listed in § 1396.317 shall apply to the Office of Price Administration, Washington, D. C., for authorization of maximum prices before selling or offering for sale or delivery any such totaquina products. Each such application shall contain the following information:

(a) General description of the totaquina product:

(1) One package of the product and one copy of the label.

(2) A description of the process of manufacture, including a quantitative statement of composition, a description of the controls used in manufacturing, processing and packaging, and a reference to any patents and pertinent literature.

(3) A copy of any accompanying circular describing the therapeutic usefulness of the product, with references.

(b) Cost data:

(1) Itemized cost of materials, showing quantity, cost, and name and address of supplier of each material used.

(2) Cost of direct labor, showing wage rates and hours.

(3) Itemized statement of processing costs, such as power and steam.

(4) Cost of containers and labels.

(5) Amount of by-product recovery.

(6) Itemized statement of other expenses, if any, with explanations.

(c) Estimated quantity of production.

(d) A statement of the proposed prices to various classes of purchasers, with an explanation of the method of arriving at the proposed prices and a description of how it is proposed to distribute the product.

§ 1396.308 *Licensing.* The provisions of Supplementary Order No. 11 (§ 1305.15) licensing distributors of chemicals and drugs, shall be applicable to every distributor of totaquina or totaquina products for which maximum prices are established by this Maximum Price Regulation No. 278. The term "distributor" shall have the meaning given it by such Supplementary Order No. 11.

§ 1396.309 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 278 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

§ 1396.310 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 278 shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale or delivery of, or relating to the sale of totaquina or totaquina products alone or in connection with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

§ 1396.311 *Enforcement.* Persons violating any provision of this Maximum Price Regulation No. 278 are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942, as amended.

§ 1396.312 *Records and reports.* (a) Every person, other than a retailer, making a sale of totaquina or any totaquina product after December 9, 1942, for which maximum prices are established by this Maximum Price Regulation No. 278, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect complete and accurate records of each such sale showing: the date thereof, the name and address of the buyer, a description of the totaquina or the totaquina products sold, the quantity sold and the price charged.

(b) Persons affected by this Maximum Price Regulation No. 278 shall submit such reports to the Office of Price Administration as it may from time to time require.

§ 1396.313 *Applicability of the General Maximum Price Regulation.* [3] The provisions of this Maximum Price Regulation. No. 278 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1396.314 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 278 shall be applicable to the forty-eight states of the United States and the District of Columbia.

§ 1396.315 *Definitions.* (a) When used in this Maximum Price Regulation No. 278, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Totaquina" means totaquina as defined in the United States Pharmacopoeia.

(3) "Totaquina product" means any product made from totaquina U. S. P. regardless of the form of such product.

(4) "Capsules of totaquina" means gelatin capsules containing totaquina and commonly known as "dry filled."

(5) "Tablets" means pellets containing totaquina with or without diluents, binders, lubricants, etc., made by compression. They may be coated or uncoated.

(6) "Producer" means any person who manufactures totaquina or any totaquina product, except that a retailer who fills capsules with totaquina powder shall not be considered a producer.

(7) "Sale at retail" means a sale or selling to an individual ultimate consumer.

(8) "Retailer" means a seller making sales at retail.

(9) "Shipping point" means the point of distribution maintained by a seller from which actual shipment is made.

§ 1396.316 *Effective dates.* (a) This Maximum Price Regulation No. 278 shall become effective December 10, 1942.

[2] 7 F.R. 5059, 7242, 8829. 9000.

[3] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9615, 9616.

§ 1396.317 *Appendix A: Maximum prices for totaquina powder, totaquina capsules and totaquina tablets.* Maximum prices are f. o. b. seller's shipping point, containers included. Maximum prices for sales in intermediate size containers or quantities shall be the price per unit applicable to the next larger size container or quantity.

Container size	A Sales other than sales to retailers or at retail	B Sales to retailers	C Sales at retail
(a) Totaquina powder:			
100 oz. (avd.) or more, per oz	$0.40	$0.46	
50 oz., per oz	.42	.48	
25 oz., per oz	.43	.49	
5 oz., per oz	.45	.59	$0.99
1 oz., per oz	.46	.60	1.09
½ oz., per oz	.52	.68	1.14
¼ oz., per oz	.64	.84	1.40
⅛ oz., per oz	.80	1.04	1.76
4 drachm			.65
2 drachm			.40
1 drachm			.25
30 grains			.15
20 grains or less			.10
(b) Totaquina capsules:			
(1) 5 grains:			
1,000 or more, per 1,000	7.50	9.00	15.00
500, per 500	4.00	4.80	8.00
100, per 100	.88	1.05	1.75
50, per 50	.50	.60	1.00
36, per 36			.75
24, per 24			.55
12, per 12			.30
6, per 6			.15
1, per 1			.03
(2) 3 grains:			
1,000 or more, per 1,000	5.50	6.60	11.00
500, per 500	3.00	3.60	6.00
100, per 100	.65	.78	1.30
50, per 50			.75
36, per 36			.55
24, per 24			.40
12, per 12			.25
6, per 6			.15
1, per 1			.03
(c) Totaquina tablets:			
(1) 5 grains:			
1,000 or more, per 1,000	6.25	7.50	12.50
500, per 500	3.38	4.05	6.75
100, per 100	.75	.90	1.50
50, per 50	.43	.51	.85
36, per 36			.65
24, per 24			.45
12, per 12			.25
6, per 6			.15
1, per 1			.03
(2) 3 grains:			
1,000 or more, per 1,000	4.50	5.40	9.00
500, per 500	2.50	3.00	5.00
100, per 100	.58	.69	1.15
50, per 50			.65
36, per 36			.45
24, per 24			.35
12, per 12			.20
6, per 6			.15
1, per 1			.03

(d) *Sales to physicians, nurses, hospitals and clinics.* Maximum prices for sales to physicians, nurses, hospitals and clinics shall be the maximum prices set forth in column C above, subject to customary discounts and allowances applicable to sales of comparable products to purchasers of the same classes.

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12871; Filed, December 4, 1942; 11:54 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 38 to General Maximum Price Regulation[1]]

HIGHEST PRICE CHARGED DURING MARCH 1942

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

In § 1499.2 the proviso following paragraph (c) under the undesignated headnote "Highest Price Charged During March 1942" is amended to read as below:

§ 1499.2 *Maximum prices for commodities and services; General provisions.* * * *

Highest Price Charged During March 1942

* * * * *

Provided, however, that

(1) If before April 1, 1942, the seller raised his prices for a commodity or service to all his classes of purchasers (or to all his classes of purchasers except those to whom he was bound to make delivery or supply during March 1942 pursuant to a firm commitment made before the price rise) and

(2) If during March 1942 he delivered the commodity or supplied the service at the increased price to at least one class of purchasers, then, in order to allow the seller to apply the price rise to any class of purchasers to which no delivery or supply was made during that month after the price rise (except under a firm commitment made before the price rise), the highest price charged during March 1942 shall be deemed to be:

(i) The seller's increased offering price to such class of purchasers for delivery or supply during March 1942, or

(ii) If the seller had no such increased offering price to that particular class of purchasers, the highest price charged during March 1942 to a purchaser of a different class, adjusted to reflect—

(*a*) The seller's customary differential in price between the two classes of purchasers; or

(*b*) If the seller had no such customary differential, the actual percentage differential in price between the two classes of purchasers which existed at the time the seller last entered into a commitment, or, if he did not enter into such a commitment, last submitted an offering price, for delivery or supply to a purchaser of that particular class during March 1942.

* * * * *

§ 1499.23a *Effective dates of amendments.* * * *

(mm) Amendment No. 38 (§1499.2) to General Maximum Price Regulation shall become effective December 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12867; Filed, December 4, 1942; 11:55 a. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 188, Amendment 3]

MANUFACTURERS' MAXIMUM PRICES FOR SPECIFIED BUILDING MATERIALS AND CONSUMERS' GOODS OTHER THAN APPAREL

A statement of considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.*

In § 1499.163 (a) (2) the proviso following paragraph (iii) is amended to read as set forth below:

§1499.163 *Definitions.* (a) When used in Maximum Price Regulation No. 188, the term: * * *

(2) "Highest price charged during March, 1942" means:

* * * * *

(iii) * * *

Provided, however, That:

(*a*) If before April 1, 1942, the seller raised his prices for a commodity to all his classes of purchasers (or to all his classes of purchasers except those to which he was bound to make delivery during March 1942 under a firm commitment made before the price rise), and

(*b*) If during March 1942, he delivered the commodity at the increased price to at least one class of purchasers, then, in order to allow the seller to apply the price rise to any class of purchasers to which no delivery was made during that month after the price rise (except under a firm commitment made before the price rise), the highest price charged during March 1942 shall be deemed to be:

(*1*) The seller's increased offering price to such class of purchasers for delivery during March 1942. or

(*2*) If the seller had no such increased offering price to that particular class of purchasers, the highest price charged during March 1942 to a purchaser of a different class, adjusted to reflect

(*i*) The seller's customary differential in price between the two class of purchasers; or

(*ii*) If the seller had no such customary differential, the actual percentage differential in price between the two classes of purchasers which existed at the time the seller last entered into a commitment, or, if he did not enter into such a commitment, last submitted an offering price for delivery to a purchaser

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6031, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7753, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616.

of that particular class during March 1942.

* * * * *

§ 1499.165a *Effective dates of amendments.* * * *

(c) Amendment No. 3 to Maximum Price Regulation No. 188 (§ 1499.163 (a) (2)) shall become effective December 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 4th day of December, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12866; Filed, December 4, 1942; 11:56 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 7 Under § 1499.29 of GMPR]

LEAVENWORTH PACKING & STORAGE COMPANY

Order No. 7 under § 1499.29 of the General Maximum Price Regulation—Docket No. 3148-96.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.407 *Denial of application for adjustment of maximum prices for certain smoking and curing services performed by Leavenworth Packing & Storage Company of Leavenworth, Kansas.* (a) The application of Leavenworth Packing & Storage Company, Leavenworth, Kansas, filed September 8, 1942, and assigned Docket No. 3148-96, requesting an adjustment of the maximum prices for certain smoking and curing services performed by the Applicant is denied.

(b) This Order No. 7 (§ 1499.407) is hereby incorporated as a section of Supplementary Regulation No. 4 which contains modifications of maximum prices established by § 1499.2.

(c) This Order No. 7 (§ 1499.407) shall become effective December 5, 1942.

(Pub Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12876; Filed, December 4, 1942; 11:56 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 6 Under MPR 165, as Amended]

LEAVENWORTH PACKING & STORAGE COMPANY

Order No. 6 under § 1499.114 (b) of Maximum Price Regulation No. 165 as Amended—Services—Docket No. 3165-16.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.706 *Denial of application for adjustment of maximum prices for slaughtering services performed by Leavenworth Packing & Storage Company.* (a) The application of Leavenworth Packing & Storage Company, Leavenworth, Kansas, filed September 8, 1942, and assigned Docket No. 3165-16, requesting an adjustment of maximum prices for slaughtering services is denied.

(b) This Order No. 6 (§ 1499.706) shall become effective December 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12875; Filed, December 4, 1942; 11:56 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 164 Under § 1499.3 (b) of GMPR]

METALS RESERVE COMPANY, ET AL.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and § 1499.3 (b) of the General Maximum Price Regulation, *It is hereby ordered,* That:

§ 1499.1180 *Establishment of maximum price for certain steel billets to be sold by the Materials Redistribution Branch of the War Production Board or the Metals Reserve Company.* (a) The Materials Redistribution Branch of the War Production Board, or the Metals Reserve Company, or any agent thereof, may sell for use as scrap, and the Crucible Steel Company of New York, N. Y., may purchase from the Materials Redistribution Branch of the War Production Board, or the Metals Reserve Company, or any agent thereof, for such use, steel billets containing approximately 1.02% and 1.68% tungsten at a price not in excess of $1.25 per pound of contained tungsten, f. o. b. shipping point of material.

(b) This Order No. 164 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 164 (§ 1499.1180) shall become effective December 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12873; Filed, December 4, 1942; 11:52 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 165 Under § 1499.3 (b) of GMPR]

LYNN FOOD PRODUCTS CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1181 *Authorization of maximum prices for sales of "Mary Lynn" Vitamized Soup Mixes in 24-ounce institutional packages by Lynn Food Products Company, Division of Century Metalcraft Corporation, of Chicago, Illinois and by wholesalers.* (a) On and after December 5, 1942, the maximum prices for sale by Lynn Food Products Company, Division of Century Metalcraft Corporation, of Chicago, Illinois, of "Mary Lynn" Vitamized Soup Mixes, in 24-ounce institutional packages in the following varieties:

Chicken flavor noodles with pure chicken fat.
Vegetable-noodle with beef extract.
Southern style gumbo with chicken fat.

shall be:

$10.35 per dozen to wholesalers.
$12.00 per dozen to direct buying institutions.

delivered to purchasers' stations.

(b) A seller at wholesale shall determine his maximum selling price of "Mary Lynn" Vitamized Soup Mix in 24-ounce institutional packages by adding to his net cost of this product a margin of profit of 16% of this net cost. The maximum price so determined shall not exceed $12.00 per dozen of 24-ounce packages.

"Net cost" as used in this paragraph, shall be the wholesaler's invoice cost of "Mary Lynn" Vitamized Soup Mixes, delivered at his customary receiving point in a customary quantity of this type of item by the customary mode of transportation, less all discounts and allowances, except cash discount for prompt payment. Net cost shall not include unloading charges or charges for local cartage.

(c) No seller shall change his customary discounts or allowances applying to his sales of items of dehydrated soup mixes in making sales of "Mary Lynn" Vitamized Soup Mixes in 24-ounce packages, unless such change shall result in lower selling prices.

(d) Lynn Food Products Company, Division of Century Metalcraft Corporation, shall distribute or cause to be distributed at the time of or before the initial sale to each wholesale grocer who purchases "Mary Lynn" Vitamized Soup Mixes from this company in the 24-ounce institutional package, written notice as follows:

The Office of Price Administration has authorized us to sell 24-ounce packages of "Mary Lynn" Vitamized Soup Mixes in the following varieties:

Chicken flavor noodle with pure chicken fat.
Vegetable-noodle with beef extract.
Southern style gumbo with chicken fat,

at a maximum selling price of $10.35 per dozen delivered to purchaser's station.

As a wholesaler you are to determine your maximum selling price of this item by adding to your net cost a margin of profit of 16% of this net cost. Your maximum selling price so determined cannot exceed $12.00 per dozen packages.

Your "net cost" of "Mary Lynn" Vitamized Soup Mixes is described by the Office of Price Administration as your invoice cost of "Mary Lynn" Vitamized Soup Mixes delivered at your customary receiving point in a customary quantity of this type of item by the customary mode of transportation, less all discounts and allowances except cash discount for prompt payment. Net cost shall not include unloading charges or charges for local cartage.

O. P. A. requires you to keep this notice for examination.

(e) This Order No. 165 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 165 (§ 1499.1181) shall become effective December 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12874; Filed, December 4, 1942; 11:52 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 3 Under Supp. Reg. 15 to GMPR]

CAROLINA TRANSFER AND STORAGE CO.

The General Maximum Price Regulation, Order No. 3 under § 1499.75 (a) (3) of Supplementary Regulation No. 15—Docket No. GF3-2132.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1303 *Adjustment of maximum prices for warehouse services sold by Carolina Transfer and Storage Company.* (a) Carolina Transfer and Storage Company, of Charlotte, North Carolina, may sell and supply, and Rumford Chemical Works, of Rumford, Rhode Island, may buy and receive from Carolina Transfer and Storage Company, storage services at prices not higher than the following:

Description of package	*Monthly rate for package*
Carton 12's Bread Preparation	$0.005
Carton 48/4 oz. Rumford Baking Powder	0.005
Carton 24/12 oz. Rumford Baking Powder	0.007
Carton 12/1 # 8 oz. Rumford Baking Powder	0.007
Carton 6/10 # Rumford Baking Powder	0.02
Carton 48/10 oz. Health Club Baking Powder	0.011
Carton 24/1 # 8 oz. Health Club Baking Powder	0.016
Carton 6/5 # Health Club Baking Powder	0.011

Packages received during the first 15 days of a calendar month may be assessed a full month's storage charge to apply from the date of receipt to the end of that calendar month. Packages received from the 16th day to the last day of a calendar month may be assessed no more than one-half of a full month's storage charge to apply from the date of receipt to the end of that calendar month. All packages remaining on hand on the first day of succeeding calendar months may be assessed a full month's storage charge on the 1st day of each such month. The maximum prices set forth above may be applied to all packages in storage on September 1, 1942, and on all packages received for storage after that date.

Maximum prices for handling and other services incidental to storage shall continue to be determined under § 1499.2 of the General Maximum Price Regulation.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 3 (§ 1499.1303) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order 3 (§ 1499.1303) shall become effective December 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12872; Filed, December 4, 1942; 11:52 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers: War Department

PART 203—BRIDGE REGULATIONS

THAMES RIVER BRIDGES AT NEW LONDON, CONN.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), paragraph (d) of § 203.100 is hereby amended to read as follows:

§ 203.100 *Thames River, Conn.; bridges of New York, New Haven & Hartford Railroad Co., and the State of Connecticut at New London.* • • •

(d) Except as hereinafter provided, the draws of the above-named bridges shall be immediately opened, upon the prescribed signal, at all times during the day or night for the passage of foreign vessels and "vessels of the United States," as defined in section 4311 of the Revised Statutes (46 U.S.C. 251).

Exceptions. When a westbound train scheduled to cross the railroad bridge without stop has passed Midway Station, or a southbound train Groton Station, or an eastbound train New London Station, and is in motion toward the railroad bridge, the draws shall be opened for the above-named vessels as soon as the train has crossed the railroad bridge.

Closed periods when the draws of these bridges need not be opened are authorized as follows:

For all days of the week:

Between 6:45 a. m. and 7:45 a. m.
Between 2:45 p. m. and 3:45 p. m.

Vessels of the United States Army, Navy, or Coast Guard services may request opening of the draws during the above periods, in event of emergency or other extraordinary circumstances. (28 Stat. 362; 33 U.S.C. 499) [Regs. CE 823.91 (Thames R., Conn.) SPEON]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-12898; Filed, December 4, 1942; 12:06 p. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service

PART 1.13—NATIONAL HISTORIC SITES

GLORIA DEI (OLD SWEDES') CHURCH

ORDER DESIGNATING THE CHURCH A NATIONAL HISTORIC SITE

Whereas the Congress of the United States has declared it to be a national policy to preserve for the public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas the Gloria Dei (Old Swedes') Church, situated in the City of Philadelphia, Commonwealth of Pennsylvania, is recognized as possessing national significance as a splendid example of the cultural and religious aspects of Swedish colonization in North America; and

Whereas a cooperative agreement has been made between The Corporation of Gloria Dei (Old Swedes') Church and the United States of America, providing for the designation, preservation, and use of the Gloria Dei (Old Swedes') Church as a national historic site:

Now, therefore, I, Abe Fortas, Under Secretary of the Interior, by virtue of and pursuant to the authority contained in the Act of August 21, 1935 (49 Stat. 666), do hereby designate the following described lands, together with all historic structures thereon and all appurtenances connected therewith, to be a national historic site having the name "Gloria Dei (Old Swedes') Church National Historic Site":

All those lots, pieces, or parcels of land which are now owned or may hereafter be acquired by The Corporation of Gloria Dei (Old Swedes') Church lying within the block bounded by Washington Avenue, Swanson Street, Christian Street, and Water Street, in the City of Philadelphia, Commonwealth of Pennsylvania.

The administration, protection, and development of this national historic site shall be exercised in accordance with the provisions of the above-mentioned cooperative agreement and the Act of August 21, 1935, *supra.*

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, at the City of Washington, this 17th day of November 1942.

[SEAL] ABE FORTAS,
Under Secretary of the Interior.

[F. R. Doc. 42-12891; Filed, December 4, 1942; 12:07 p. m.]

Chapter II—Forest Service

PART 261—TRESPASS

ORDER FOR REMOVAL OF TRESPASSING HORSES

Whereas a number of horses are trespassing and grazing on land in the Cam-

eron Division of the Cochetopa National Forest, in the State of Colorado; and

Whereas these horses are consuming forage needed for domestic livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat. 35, 16 U.S.C. 551), and the Act of February 1, 1905 (33 Stat. 628, 16 U.S.C. 472), the following order for the occupancy, use, protection, and administration of land in the Cameron Division of the Cochetopa National Forest is issued:

§ 261.50 *Temporary closure from livestock grazing.* (a) The Cameron Division of the Cochetopa National Forest is hereby closed for a period beginning January 1, 1943, and ending May 1, 1943, to the grazing of horses, except those horses that are lawfully grazing on or crossing land in such division pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such land.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Cochetopa National Forest is located.

Done at Washington, D. C., this 3d day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 42-12860; Filed, December 4, 1942; 11:19 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 12—INTERSTATE QUARANTINE WATER SUPPLIES

STANDARDS FOR COMMON CARRIERS IN INTERSTATE COMMERCE

Pursuant to the provisions of the Act of Congress approved Feb. 15, 1893 (ch. 114, 27 Stat. L. 450; 42 U.S.C. 92), §§ 12.43, 12.44, and 12.45, promulgated June 20, 1925, are hereby amended to read as follows:

§ 12.43 *Definition of terms.* For the purpose of these Standards the terms designated herein below shall be defined as follows:

(a) "Adequate protection by natural agencies" implies various relative degrees of protection against the effects of pollution in surface waters; dilution, storage, sedimentation, the effects of sunlight and aeration, and the associated physical and biological processes which tend to produce natural purification; and, in the case of ground waters, storage in and percolation through the water bearing material.

(b) "Artificial treatment" includes the various processes commonly used in water treatment, both separately and in combination, such as storage, aeration, sedimentation, coagulation, rapid or slow sand filtration, chlorination, and other accepted forms of disinfection. Rapid sand filtration treatment is commonly understood to include those auxiliary measures, notably coagulation and sedimentation, which are essential to its proper operation.

(c) "Adequate protection by artificial treatment" implies that the method and degree of elaboration of treatment are appropriate to the source of supply; that the works are of adequate capacity to support maximum demands, are well located, designed, and constructed, are carefully and skillfully operated and supervised by properly trained and qualified personnel, and are adequately protected against floods and other sources of pollution. The evidence that the protection thus afforded is adequate must be furnished by frequent bacteriological examinations and other appropriate analyses showing that the purified water is of good and reasonably uniform quality, a recognized principle being that irregularity in quality is an indication of potential danger. A minimum specification of good quality would be conformance to the bacteriological and chemical requirements of these Standards, as indicated in § 12.45.

(d) "Sanitary defect" means any faulty structural condition, whether of location, design or construction of water collection, treatment or distribution works, which may regularly or occasionally cause the water supply to be contaminated from an extraneous source, including dual supplies, by-passes, cross-connections, or inter-connections (backflow connections) or fail to be satisfactorily purified.

(e) "Health hazard" means any faulty operating condition including any device or water treatment practice, which when introduced into the water supply system, creates or may create a danger to the well being of the consumer.

(f) "Water supply system" includes the works and auxiliaries for collection, treatment and distribution of the water from the source of supply to the free-flowing outlet of the ultimate consumer.

(g) The coliform group of bacteria is defined, for the purpose of this standard, as including all organisms considered in the coli aerogenes group as set forth in the Standard Methods for the Examination of Water and Sewage, Eighth Edition, (1936), prepared, approved and published jointly by the American Public Health Association and the American Water Works Association, New York City. The procedures[1] for the demonstration of bacteria of this group shall be those specified herein, for:

(1) The completed test, or

(2) The confirmed test when the liquid confirmatory medium brilliant green bile lactose broth, 2 percent is used, providing the formation of gas in any amount in this medium during 48 hours of incubation at 37° C. is considered to constitute a positive confirmed test, or

(3) The confirmed test when one of the following liquid confirmatory media are used: Crystal violet lactose broth, fuchsin lactose broth, or formate ricinoleate broth. For the purpose of this test, all are equivalent, but it is recommended that the laboratory worker base his selection of any one of these confirmatory media upon correlation of the confirmed results thus obtained with a series of completed tests, and that he select for use the liquid confirmatory medium yielding results most nearly agreeing with the results of the completed test. The incubation period for the selected liquid confirmatory medium shall be 48 hours at 37° C. and the formation of gas in any amount during this time shall be considered to constitute a positive confirmed test.

(h) The standard portion of water for the application of the bacteriological test may by either

(1) Ten milliliters (10 ml.) or

(2) One hundred milliliters (100 ml.)

(i) The standard sample for the bacteriological test shall consist of five (5) standard portions of either

(1) Ten milliliters (10 ml.) or

(2) One hundred milliliters (100 ml.) each.

In any disinfected supply the sample must be freed of any disinfecting agent within twenty (20) minutes of the time of its collection.[1]

(j) The certifying authority is the Surgeon General of the U. S. Public Health Service or his duly authorized and designated representatives and the Reporting Agency shall be understood to mean the respective State departments of health or their designated representatives. (Sec. 1, Drinking Water Standards).

NOTE: The report of the advisory committee on revision of official water standards containing Part I—Standards, and Part II, Manual of Recommended Water Sanitation Practice published by the U. S. Public Health Service in Public Health Reports, Vol. 58, No. 3, Jan. 15, 1943.

§ 12.44 *As to source and protection.* (a) The water supply shall be:

(1) Obtained from a source free from pollution; or

(2) Obtained from a source adequately purified by natural agencies; or

(3) Adequately protected by artificial treatment.

(b) The water supply system in all its parts shall be free from sanitary defects and health hazards and shall be maintained at all times in a proper sanitary

[1] NOTE: This reference shall apply to all details of technique in the bacteriological examination, including the selection and preparation of apparatus and media, the collection and handling of samples, and the intervals and conditions of storage allowable between collection and examination of the water sample.

[1] In freeing samples of chlorine or chloramines, the procedure given on page 286 in the Standard Methods for the Examination of Water and Sewage, 8th Edition (1936), paragraph A-1—Option 1, or paragraph A-2, shall be followed.

condition. (Sec. 2, Drinking Water Standards.)

§ 12.45 *As to bacteriological, chemical, and physical characteristics*—(a) *Sampling.* The bacteriological examination of water considered under this section shall be of samples collected at representative points throughout the distribution system.

The frequency of sampling and the location of sampling points on the distribution system should be such as to determine properly the bacteriological quality of the water supply. The frequency of sampling and the distribution of sampling points shall be regulated by the certifying authority after investigation of the source, method of treatment, and protection of the water concerned.

The minimum number of samples to be collected from the distribution system and examined by the reporting agency or its designated representative each month should be in accordance with the number as determined from the graph presented in Fig. 1 (See Public Health Reports for Jan. 15, 1943, Vol. 58, No. 3) of these Standards[2] which is based upon the following population served—minimum number of samples per month—relationships:

Population served:	*Minimum No. of samples per month*
2,500 and under	1
10,000	7
25,000	25
100,000	100
1,000,000	300
2,000,000	390
5,000,000	500

The laboratories in which these examinations are made and the methods used in making them, shall be subject to inspection at any time by the designated representative of the certifying authority. Compliance with the specified procedures, or failure to comply therewith, and the results obtained shall be used as a basis for certification, or refusal of certification, by the certifying authority in accordance with the application given below.

(b) *Application.* Applications (1) and (2) given below shall govern when ten milliliter (10 ml.) portions are used and applications (3) and (4) shall govern when one hundred milliliter (100 ml.) portions are used.[3]

(1) Of all the standard ten milliliter (10 ml.) portions examined per month in accordance with the specified procedure, not more than ten (10) percent shall show the presence of organisms of the coliform group.

(2) Occasionally three (3) or more of the five (5) equal ten milliliter (10 ml.) portions constituting a single standard sample may show the presence of organisms of the coliform group, provided that this shall not be allowable if it occurs in consecutive samples or in more than

(i) Five (5) percent of the standard samples when twenty (20) or more samples have been examined per month.

(ii) One (1) standard sample when less than twenty (20) samples have been examined per month: *Provided further,* That when three or more of the five equal ten milliliter (10 ml.) portions constituting a single standard sample show the presence of organisms of the coliform group, daily samples from the same sampling point shall be collected promptly and examined until the results obtained from at least two consecutive samples show the water to be of satisfactory quality.[4]

(3) Of all the standard one hundred milliliter (100 ml.) portions examined per month in accordance with the specified procedure, not more than sixty (60) percent shall show the presence of organisms of the coliform group.

(4) Occasionally all of the five (5) equal one hundred milliliter (100 ml.) portions constituting a single standard sample may show the presence of organisms of the coliform group, provided that this shall not be allowable if it occurs in consecutive samples or in more than

(i) Twenty (20) percent of the standard samples when five (5) or more samples have been examined per month.

(ii) One (1) standard sample when less than five (5) samples have been examined per month. *Provided further,* That when all five of the standard one hundred milliliter (100 ml.) portions constituting a single standard sample show the presence of organisms of the coliform group, daily samples from the same sampling point shall be collected promptly and examined until the results obtained from at least two consecutive samples show the water to be of satisfactory quality.[5]

(5) The procedure given, using a standard sample composed of five standard portions, provides for an estimation of the most probable number of coliform bacteria present in the sample as set forth in the following tabulation:

Number of portions		Most probable number of coliform bacteria per 100 ml.
Negative	Positive	When 5-10 ml. portions are examined
5	0	Less than 2.2
4	1	2.2
3	2	5.1
2	3	9.2
1	4	16.0
0	5	More than 16.0

Number of portions		Most probable number of coliform bacteria per 100 ml.
Negative	Positive	When 5-100 ml. portions are examined
5	0	Less than 0.22
4	1	0.22
3	2	0.51
2	3	0.92
1	4	1.60
0	5	More than 1.60

(c) *Physical characteristics.* The turbidity of the water shall not exceed 10 p. p. m. (silica scale), nor shall the color exceed 20 (standard cobalt scale). The water shall have no objectionable taste or odor.

(d) *Chemical characteristics.* The water shall not contain an excessive amount of soluble mineral substance, nor excessive amounts of any chemicals employed in treatment. Under ordinary circumstances, the analytical evidence that the water satisfies the physical and chemical standards given in paragraph (c) of this section and in subparagraph (1) below, and simple evidence that it is acceptable for taste and odor will be sufficient for certification with respect to physical and chemical characteristics.

(1) The presence of lead (Pb) in excess of 0.1 p. p. m., of Fluoride in excess of 1.0 p. p. m., of Arsenic in excess of 0.05 p. p. m., of Selenium in excess of 0.05 p. p. m., shall constitute ground for rejection of the supply. These limits are given in parts per million by weight and a reference to the method of analysis recommended for each determination is given in paragraph (e), subparagraph (1) of this section. Salts of barium, hexavalent chromium, heavy metal glucosides, or other substances with deleterious physiological effects shall not be allowed in the water supply system.

Ordinarily analysis for these substances need be made only semiannually. If, however, there is some presumption of unfitness because of these elements periodic determination for the element in question should be made more frequently.

(2) The following chemical substances which may be present in natural or treated waters should preferably not occur in excess of the following concentrations where other more suitable supplies are available in the judgment of the certifying authority. Recommended methods of analysis are given in paragraph (e), subparagraph (2) of this section.

Copper (Cu) should not exceed 3.0 p. p. m.

Iron (Fe) and Manganese (Mn) together should not exceed 0.3 p. p. m.

Magnesium (Mg) should not exceed 125 p. p. m.

Zinc (Zn) should not exceed 15 p. p. m.

Chloride (Cl) should not exceed 250 p. p. m.

[2] For the purposes of uniformity and simplicity in application, the numbers of samples to be examined each month for any given population served shall be determined from the graph in accordance with the following:

For populations of 25,000 and under to the nearest 1.

For populations of 25,001 to 100,000 to the nearest 5.

For populations of 100,001 to 2,000,000 to the nearest 10.

For populations of over 2,000,000 to the nearest 25.

[3] It is to be understood that in the examination of any water supply the series of samples for any one month must conform to both of the above requirements, either (1) and (2), or (3) and (4), respectively.

[4] When this occurs, and when waters of unknown quality are being examined, simultaneous tests should be made on multiple portions of a geometric series ranging from 10 ml. to 0.1 ml. or less.

[5] When this occurs, and when waters of unknown quality are being examined, simultaneous tests should be made on multiple portions of a geometric series ranging from 100 ml. to 1.0 ml. or less.

Sulphate (SO_4) should not exceed 250 p. p. m.

Phenolic compounds should not exceed 0.001 p. p. m. in terms of phenol.

Total solids should not exceed 500 p. p. m. for a water of good chemical quality. However, if such water is not available, a total solids content of 1,000 p. p. m. may be permitted. For waters softened by the lime soda process the total alkalinity produced should not exceed the hardness by more than 35 p. p. m. (Calculated as $CaCO_3$).

For chemically treated waters the phenolphthalein alkalinity (calculated as $CaCO_3$) should not be greater than 15 p. p. m. plus 0.4 times the total alkalinity. This requirement limits the permissible pH to about 10.6 at 25° C.

For chemically treated waters the normal carbonate alkalinity should not exceed 120 p. p. m. Since the normal alkalinity is a function of the hydrogen ion concentration and the total alkalinity, this requirement may be met by keeping the total alkalinity within the limits suggested when the pH of the water is within the range given. These values apply to water at 25° C.

pH Range:	*Limit for total alkalinity (p.p.m. as $CaCO_3$)*
8.0 to 9.6	400
9.7	340
9.8	300
9.9	260
10.0	230
10.1	210
10.2	190
10.3	180
10.4	170
10.5 to 10.6	160

(e) *Recommended methods of analysis.* (1) Ions with required limits of concentration.

Arsenic (As). Official and Tentative Methods of Analysis. Association of Official Agricultural Chemists, 1940, p. 390. Also "Colorimetric Microdetermination of Arsenic," Morris B. Jacobs and Jack Nagler. Industrial and Engineering Chemistry, Anal. Ed., 14, p. 442, 1942.

Fluoride (F). Standard Methods for the examination of Water and Sewage, American Public Health Association, 1936, p. 36; also Methods of Determining Fluorides, Committee Report, A. P. Black, Chairman, Journal American Water Works Association, 33, pp. 1965–2017, (1941).

Lead (Pb). Standard Methods for the Examination of Water and Sewage, American Public Health Association, 1936, p. 26.

Selenium (Se). Official and Tentative Methods of Analysis Association of Official Agricultural Chemists, 1940, pp. 11 and 417; also Robinson, W. C., Dudley, H. C., Williams, K. T., and Byers, Horace G., "The Determination of Selenium and Arsenic by Distillation," Industrial and Engineering Chemistry, Analytical Edition, Volume 6, 1934, p. 274.

(2) Ions and substances with suggested limits of concentration.

Copper (Cu). Standard Methods for the Examination of Water and Sewage,[6] American Public Health Association, 1936, p. 25.

Iron (Fe) and Manganese (Mn). Ibid, p. 74 and 82.

Magnesium (Mg). Ibid, p. 79.

Zinc (Zn). Ibid, p. 28.

Chloride (Cl). Ibid, p. 34.

Sulfate (SO_4). Ibid, p. 85.

Phenolic compounds. Ibid, p. 245. With dibromquinonechlorimide as an indicator.

Total solids. Ibid, p. 56.

Alkalinity. Ibid, pp. 59 and 64.

[SEAL] THOMAS PARRAN,
Surgeon General.

NOVEMBER 30, 1942.

Approved: December 3, 1942.

WATSON B. MILLER,
Acting Administrator,
Federal Security Agency.

[F. R. Doc. 42-12861; Filed, December 4, 1942; 11:39 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 29—PLAINS REGION NATIONAL WILDLIFE REFUGES

SAND LAKE NATIONAL WILDLIFE REFUGE

Under authority of section 84 of the act of March 4, 1909, as amended by the act of April 15, 1924, 43 Stat. 98, and in extension of § 12.9 of the regulations of December 19, 1940,[1] for the administration of national wildlife refuges, the following regulations permitting and governing the hunting of ring-necked pheasants in the Sand Lake National Wildlife Refuge, South Dakota, are made and prescribed:

§ 29.800a *Sand Lake National Wildlife Refuge, South Dakota; hunting of ring-necked pheasants.* The hunting and taking of ring-necked pheasants is permitted on certain hereinafter described lands within the Sand Lake National Wildlife Refuge, South Dakota, during the period of December 5, 1942, to January 1, 1943, inclusive, in accordance with the provisions of the regulations under date of December 19, 1940, for the administration of national wildlife refuges under the jurisdiction of the Fish and Wildlife Service, and subject to the following provisions, conditions, restrictions and requirements:

(a) *Area open to hunting.* All of the lands of the United States except the following described areas within the Sand Lake National Wildlife Refuge, South Dakota, shall be open to the hunting of ring-necked pheasants: All Sec. 4, T. 125 N., R. 62 W.; all Sec. 16; W½SE¼ Sec. 28; all Sec. 33, T. 126 N., R. 62 W.; and NW¼NW¼ Sec. 35, T. 127 N., R. 62 W., 5th p. m.

(b) *Compliance with State laws and regulations.* Any person who hunts on the refuge shall have in his possession a valid hunting license issued by the State of South Dakota authorizing him to hunt ring-necked pheasants, and a permit issued by the officer in charge of the refuge authorizing him to enter the refuge. The license and permit must be exhibited upon the request of any representative of the South Dakota Game and Fish Commission authorized to enforce the State game laws, or of any representative of the Department of the Interior. The permittee must comply in every respect with the State laws and regulations governing the hunting of ring-necked pheasants and must, upon request of any of the aforesaid representatives, exhibit for inspection all game killed by him or in his possession.

(c) *Disorderly conduct; intoxication.* No person who is intoxicated will be permitted to enter or remain upon the refuge for the purpose of hunting, and any person who indulges in any disorderly conduct on the refuges will be removed therefrom by the officer in charge and dealt with as prescribed by law.

(d) *Entry upon refuge.* Persons entering the refuge for the purpose of hunting, as permitted by these regulations, shall use such routes of travel as may be designated by suitable posting by the officer in charge and shall not otherwise enter upon the refuge. Any

[1] 5 F.R. 5284.

[6] For the chemical determinations referred to in this report ,when given, the methods of analysis recommended by the Association of Official Agricultural Chemists are satisfactory and may be substituted for those recommended by the American Public Health Association, which are specifically cited. (Sec. 3 and 4, Drinking Water Standards.)

person using an automobile within the refuge shall not drive off refuge roads or park such automobile except at such points designated for the purpose by suitable posting by the officer in charge of the refuge. The officer in charge may, in his discretion, prohibit entirely automobile travel within the refuge.

(e) *Limitation on firearms.* No hunter shall use or be in possession of rifled firearms or ammunition loaded with slugs or single balls or with shot larger than standard No. 5 while hunting on the refuge.

(f) *Penalties.* Failure of any person hunting upon the refuge to comply with any of the conditions, restrictions, or requirements of the regulations in this section will be sufficient cause for removing such person from the refuge and for refusing him further hunting privileges on the refuge, and further will render him liable to prosecution and fine of $500 or imprisonment for six months, or both.

(g) *State cooperation in management of the shooting area.* The provisions of the regulations in this section shall be incorporated in and deemed to be a part of any agreement between the Director of the Fish and Wildlife Service and the Commissioner of the Game and Fish Commission of South Dakota for the regulation, management, and operation of the shooting area established thereunder.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

NOVEMBER 17, 1942.

[F. R. Doc. 42-12895; Filed, December 4, 1942; 12:07 p. m.]

Notices

DEPARTMENT OF INTERIOR.

Office of the Secretary.

[Order No. 1763.]

INVENTIONS BY EMPLOYEES OF THE DEPARTMENT

1. *Purpose.* This order is issued under the authority of section 161 of the Revised Statutes (5 U.S.C. sec. 22) in order to (a) secure for the people of the United States the full benefits of Government research and investigation in the Department of the Interior, (b) make definite the rights and obligations of employees with respect to any inventions made by them during employment in the Interior Department, (c) establish a uniform procedure by which these rights and obligations may be equitably determined in each case, and (d) encourage and recognize individual and cooperative achievement in research and investigation.

2. *Relative rights of Government and employee.* (a) The Government, as the employer and as the representative of the people of the United States, should have the ownership and control of any invention developed in the course of its governmental activities. Each employee of this Department is, therefore, required to assign to the United States, represented for this purpose by the Secretary of the Interior, all rights to any invention made by the employee within the general scope of his governmental duties. An invention will be considered within the general scope of the governmental duties of an employee (1) whenever his duties include research or investigation, or the supervision of research or investigation, and the invention arose in the course of such research or investigation and is relevant to the general field of an inquiry to which the employee was assigned, or (2) whenever the invention was in substantial degree made or developed: through the use of Government facilities or financing, or on Government time, or through the aid of Government information not available to the public.

(b) The employee will be considered entitled to all rights resulting from any invention which was not made by him within the general scope of his governmental duties as defined above, and also, unless the Secretary should determine that private ownership of such rights would be contrary to public policy, to the foreign rights resulting from any invention made within the general scope of his governmental duties.

(c) If the Secretary finds that any invention of an employee of the Department, which was not made within the general scope of his governmental duties, is used or liable to be used in the public interest, the employee may if he chooses obtain under the act of March 3, 1883, as amended (35 U.S.C. sec. 45), a United States patent for such an invention without the payment of any fee, with the reservation that the invention may be manufactured and used by or for the Government for governmental purposes without the payment of any royalty thereon.

(d) The requirement of subdivision (a) as to the assignment of all rights to the United States may be waived by the Secretary of the Interior in the case of any invention as to which the Secretary finds, upon grounds to be specified by him, that the interests of the United States do not require full assignment of the patent rights involved. Whether in such instances the employee may or shall be required to proceed pursuant to the provisions of subdivision (c) will be determined by the Secretary.

3. *Report of inventions.* (a) Every invention made by an employee of the Department, and considered by him to be patentable, must be reported by such employee to the head of his bureau. The report shall describe the nature and operation of the invention, shall set forth the circumstances relevant to section 2 of this Order under which the invention was made, and shall state the opinion of the employee as to the relative rights of the Government and the employee under section 2 of this Order. If section 2 (c) of this Order may be applicable, the employee shall state whether he wishes to take advantage of the act of 1883, as amended.

(b) The head of the bureau shall examine the nature and circumstances of the invention as set forth in the employee's report and, after securing any supplemental information which he may consider necessary, shall forward the report to the Secretary of the Interior, together with his comments thereon and his conclusion as to the relative rights of the Government and the employee under section 2 of this Order. All such reports will be referred to the Solicitor for an opinion as to the relative rights of the Government and the employee under section 2 of this Order.

(c) Upon decision by the Secretary as to such rights, the Solicitor shall promptly take such steps as may be necessary to assure the submission of appropriate patent applications to the Patent Office, and the execution of any appropriate assignment or license, in any case where the invention falls within section 2 (a) or is to be filed under section 2 (c) of this Order.

4. *Policy as to inventions.* The Department undertakes to do all within its power under existing restrictions appropriately to reward its employees who through their inventive achievements advance the technological and scientific knowledge of the Nation, and will propose such legislation to the Congress as may be necessary more readily to permit this reward. The Department also will give energetic consideration to the establishment of machinery through which to further the use by industry and the public of the inventions conceived in this Department and assigned to the Government as here provided.

5. *Application of order.* This Order shall be a condition of employment of all employees of the Department of the Interior and shall be effective as to all inventions made during the period of such employment after this date. It shall also be effective without regard to any existing or future contract to the contrary entered into by any employee of this Department with any party other than the Government. It shall also operate as an assignment of all rights to any invention made by any employee of this Department within the general scope of his governmental duties, as defined in section 2 (a) of this Order, which has not been reported to the Department, as required by section 3 (a) of this Order, but which may later be the subject of a patent application by the employee or any assignee.

Dated: November 17, 1942.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-12894; Filed, December 4, 1942; 12:07 p. m.]

FEDERAL SECURITY AGENCY.

United States Public Health Service.

PUBLIC HEALTH SERVICE DRINKING WATER STANDARDS

STANDARDS FOR COMMON CARRIERS IN INTERSTATE COMMERCE

In accordance with the provisions of the Interstate Quarantine Regulations, the Public Health Service must approve sources of water supplies used on common carriers engaged in interstate traffic.

The Drinking Water Standards adopted by the Treasury Department on June 20, 1925 (superseding the Standard adopted October 21, 1914) have been used to judge the acceptability of such water sources by the Public Health Service.

In order that the 1925 Standards might conform more closely with current requirements for water supplies of attainable safety and potability a special advisory committee and a technical subcommittee were appointed on February 27, 1941, to consider desirable revisions.

The Public Health Service on Septempurity for drinking water recommended by the Advisory Committee on Revision of the 1925 Drinking Water Standards,[1] appointed by the Surgeon General in February 1941.*

These Standards are adopted for use in the administration of the Interstate Quarantine Regulations as they relate to the drinking and culinary water supplied by common carriers in interstate commerce. The manual of recommended water sanitation practice, Part II of the Standards, is intended to serve as a guide to the reporting agency and not as a part of the official Standard, which must be complied with to obtain certification of the water supply.

In the future common carriers will be required to furnish drinking and culinary water for passengers and crews in interstate traffic which will conform to these standards.

Copies of these revised drinking water standards may be obtained from the U. S. Public Health Service, Washington, D. C.

[SEAL] THOMAS PARRAN,
Surgeon General.

NOVEMBER 30, 1942.

Approved: December 3, 1942.

WATSON B. MILLER,
Acting Administrator,
Federal Security Agency.

[F. R. Doc. 42-12862; Filed, December 4, 1942; 11:39 a. m.]

*The report of the advisory committee on revision of official water standards, containing Part I—Standards, and Part II, Manual ber 25, 1942 adopted the standards of of Recommended Water Sanitation Practice, published by U. S. Public Health Service in Public Health Reports, Vol. 58, No. 3, Jan. 15, 1943.

[1] Filed as part of the original document.

FEDERAL TRADE COMMISSION.

[Docket No. 4847]

WORLD'S MEDICINE COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2d day of December, A. D. 1942.

In the matter of William J. Cooksey, an individual, also known as Ross Dyar, operating under the trade name of World's Medicine Company.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That J. Earl Cox, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered, That the taking of testimony in this proceeding begin on Friday, December 11, 1942, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 322, New Federal Building, Columbus, Ohio.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-12854; Filed, December 4, 1942; 11:15 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 272]

H. JUNKERS, ET AL.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title, interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the patents, the numbers of which are listed in Exhibits A, B, and C, attached hereto and made a part hereof, and the titles to which stand of record in the United States Patent Office in the names of the persons appearing (a) in the case of the aforementioned Exhibits A and B at the respective tops thereof, and (b) in the case of said Exhibit C opposite the respective numbers listed therein,

is property in which nationals of a foreign country (Germany) have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Patents the titles to which stand of record in the United States Patent Office in the name of Junkers Flugzeug-und-Motorenwerke A. G., which are identified as follows:

Patent No.	Patent date	Inventor	Title
Reissue 19,184	6/29/34	H. Junkers	Fuel injection device for internal combustion engines.
1,695,035	11/20/28	H. Junkers	Fuel injecting nozzle.
1,648,811	10/18/27	H. Junkers	Propeller.
1,699,104	1/15/29	H. Junkers	Liquid-fuel pump.
1,709,785	3/26/29	H. Junkers	Fuel pump.
1,740,362	12/17/29	O. Mader	Propeller-shaft support.
1,761,889	6/3/30	H. Junkers	Discharging insecticides from aircraft.
1,901,814	3/14/33	H. Junkers	Fuel injection device for internal combustion engines.
1,943,974	1/16/34	H. Junkers	Control mechanism for fuel pumps.
1,992,622	2/26/35	H. Junkers	Fuel injection device for internal combustion engines.
2,127,825	8/23/38	O. Mader	Engine cylinders.
2,178,291	10/31/39	G. Steuerlein	Gun mount for aircraft.
2,195,503	4/2/40	G. Steuerlein	Gun mountings in aircraft.
2,205,714	6/25/40	P. Von Doepp	Brakes for aircraft.
2,231,292	2/11/41	F. Neugebauer	Feeding compressed air to aircraft engines
2,258,724	10/14/41	H. Wagner, et al	Fixation of window panes in aircraft.
2,291,650	8/4/42	A. Scheibe	Cooling system.
2,292,378	8/4/42	W. Lorenz	Pressure systems.
Design 99,864	6/2/36	G. Hegwein	Design for water heaters.

EXHIBIT B

Patents the titles to which stand of record in the United States Patent Office in the name of Mrs. Therese Junkers, which are identified as follows:

Patent No.	Patent date	Inventor	Title
1,629,878	5/24/27	O. Mader	Scavenging pump of internal combustion engines.
1,636,998	7/26/27	H. Junkers	Fuel control in internal combustion engines.
1,682,863	9/4/28	O. Rotschy	Oil feeding device.
1,841,807	1/19/32	H. Junkers	Regulating device for engines.
1,849,490	3/15/32	H. Junkers	Fuel feed pump and method of operating same.
1,868,036	7/20/32	H. Junkers	Internal combustion with positive fuel feeds.
1,899,038	2/28/33	H. Junkers	Method and apparatus for regulating the fuel supply to internal combustion engines.
1,950,501	3/13/34	J. Matthew	Reversing gear for internal combustion engines.
1,983,612	12/11/34	H. Junkers	Member for frame work.
1,997,383	4/9/35	H. Junkers	Colorimeter and method of operating same.
2,012,908	9/3/35	H. Junkers	Fuel feed for internal combustion engines.
2,079,289	5/4/37	H. Janicke	Free piston engine.
2,215,326	9/17/40	H. Janicke	Means for starting free piston motor compressors.
2,222,260	11/19/40	H. Janicke	Starting of free piston engines.
2,265,285	12/9/41	H. Janicke	Starting of free piston engines.

EXHIBIT C

Patents which are identified as follows and the titles to which stand of record in the United States Patent Office in the names of the persons indicated, respectively:

Patent No.	Date	Record owner	Inventor	Title
Reissue 21,719	2/18/41	Deutsch-Hollerith Maschinen G. m. b. H.	M. Maul	Punching machine for records.
1,614,439	1/11/27	Junkers & Co. G. m. b. H.	H. Junkers	Heating furnace.
1,632,883	12/13/27	Didier-Werke A. G.	H. Ackermann	Charger for presses.
1,632,884	12/13/27	Didier-Werke A. G.	H. Ackermann	Process for the manufacture of artificial stones, blocks, bricks or the like.
1,732,668	10/15/29	Didier-Werke A. G.	J. Hochhut	Manufacturing glass-melting crucibles and similar refractory objects of clay.
1,744,351	1/21/30	Didier-Werke A. G.	H. Ackermann et al	Process for the manufacture of refractory acid resisting and other products bonded by means of clay.
1,744,352	1/21/30	Didier-Werke A. G.	H. Ackermann	Presses.
1,767,163	6/24/30	Didier-Werke A. G.	H. Ackermann	Molding boxes.
1,771,711	7/29/30	J. M. Voith	W. Hahn	Split guide blades for centrifugal pumps.
1,810,904	6/23/31	J. M. Voith	W. Heller	Arrangement of wet presses on paper and board making machinery.
1,814,827	7/14/31	J. M. Voith	H. Rode	Controlling apparatus for conduits.
1,825,735	10/6/31	Junkers & Co. G. m. b. H.	H. Junkers	Heating stove.
1,850,013	6/3/32	Didier-Werke A. G.	H. Ackermann	Processes of producing refractory acid-proof and other ceramically bonded products.
1,917,181	7/4/33	Didier-Werke A. G.	H. Ackermann	Ceramic products and the method of manufacturing the same.
1,924,743	10/29/33	Didier-Werke A. G.	E. Lux	Process of preparing refractory material
1,941,370	12/26/33	Didier-Werke A. G.	H. Ackermann	Molds for artificial stones.
1,944,709	1/23/34	Didier-Werke A. G.	K. Friedersdorff	Refractory body and process of manufacturing the same.
1,992,602	2/26/35	J. M. Voith	H. Palm	Method and means for regulating liquids.
2,025,929	12/31/35	J. M. Voith	E. Selbold et al	Rotary machines.
2,052,492	8/25/36	J. M. Voith	E. Selbold	Rotary engines.
2,078,769	4/27/37	J. M. Voith	O. Haeker et al	Hydrodynamic turbo transmission.
2,088,928	7/27/37	J. M. Voith	H. Mallaender	Hydraulic machine.
2,099,244	11/9/37	J. M. Voith	G. Hopfensberger	Rotating machines.
2,125,163	7/26/38	J. M. Voith	O. Haeker et al	Method of operation for motor driven vehicles with turbo-transmissions.
2,157,542	5/9/39	J. M. Voith	H. Kieser	Governors.
2,168,847	8/10/39	J. M. Voith	J. Baumann	Elastic couplings.
2,190,960	1/16/40	J. M. Voith	H. Canaan	Control means for fluid power transmitters.

Patent No.	Date	Record owner	Inventor	Title
2,201,165	5/21/40	J. M. Voith	K. Friedrich et al	Hydraulic circuit brake and its application in rail and road vehicles.
2,214,190	9/10/40	J. M. Voith	W. Auer	Turbo-transmission control means.
2,232,855	2/25/41	H. Hopff et al	H. Hopff et al	Process of producing adipic acids.
2,237,365	4/8/41	P. Schlack	P. Schlack	Production of oximes.
2,241,321	5/6/41	P. Schlack	P. Schlack	Process of producing polymers adapted for making fibers, films.
2,249,177	7/15/41	P. Schlack	P. Schlack	Rearrangement reaction of oximes.
2,270,204	1/13/42	P. Schlack	P. Schlack	Process of producing oximes.
2,270,223	1/13/42	P. Schlack	P. Schlack	Felted products.
2,277,152	3/27/42	P. Schlack	P. Schlack	Polyamides.
2,277,265	3/24/42	J. M. Voith	M. Rudert et al	Guide blade brake.
2,281,901	5/5/42	H. Ufer et al	H. Ufer et al	Production of superpolyamides.
2,282,448	5/12/42	H. Beck et al	H. Beck et al	Forms for printing made from superpolyamides.
2,283,150	5/12/42	P. Schlack	P. Schlack	Process of producing oximes.
2,283,155	5/12/42	J. M. Voith	R. Lang	Apparatus for regulating and delivering paper stock to paper making machines.
2,285,914	6/9/42	O. Drossbach	O. Drossbach	Oxidation of cyclohexanol.
2,288,279	6/30/42	H. Hopff et al	H. Hopff et al	Production of condensation products.
2,288,411	6/30/42	O. Lowenherz et al	O. Lowenherz et al	Folding chair.

[F. R. Doc. 42-12793; Filed, December 3, 1942; 10:01 a. m.]

[Vesting Order 273]

PATENTS AND PATENT APPLICATIONS OF CHEMICAL MARKETING COMPANY, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title, and interest, including all accrued royalties and all damages recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the patents, the numbers of which are listed in Exhibit A, attached hereto and made a part hereof, and the titles to which stand of record in the United States Patent Office in the name of the person appearing at the top thereof; and patent applications listed and described in Exhibit B, attached hereto and made a part hereof,

is property in which nationals of a foreign country (Germany) have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Patents the titles to which stand of record in the United States Patent Office in the name of Chemical Marketing Company, Inc., and which are identified as follows:

Patent No.	Patent date	Inventor	Title
1,578,139	3/23/26	W. Kirchner	Process for preparing cement.
1,605,897	11/2/26	O. Liebknecht	Process for the gaining of hydrocyanic acid from gaseous mixtures containing hydrocyanic acid.
1,616,533	2/8/27	E. Krause et al	Making formaldehyde from methylene chloride.
1,647,676	11/1/27	E. von Retzo	Process for the production of concentrated acetic acid.
1,648,516	11/8/27	H. von Hochstetter	Making anhydrous salts of fatty acids.
1,651,617	12/6/27	O. Moser	Extracting of guaiacol.
1,663,350	3/20/28	K. Roka	Method of producing acetone.
1,669,384	5/8/28	H. Walter	Manufacture of addition compounds of unsaturated hydrocarbons.
1,674,486	6/19/28	H. Stark	Holder for dentists' drilling instruments.
1,677,831	7/17/28	E. Krauso	Process for the chlorination of methane.
1,684,554	9/18/28	G. Riefenstahl	Protective sheath for flexible shaft.
1,685,759	9/25/28	H. Walter	Diffusion reaction.
1,704,106	3/5/29	E. Scheller	Process for arsenating organic compounds.
1,711,863	5/7/29	A. Wendt	Angled handpiece for dental purposes.
1,723,442	8/6/29	K. Roka	Process of chlorination of methane.
1,726,401	8/27/29	E. Low	Production of concentrated acetate liquors from acetic acid containing gases.
1,741,734	12/31/29	W. Pannwitz	Device for tightly clamping tools in handpieces.
1,743,975	1/14/30	F. Mik	Activated charcoal.
1,747,947	2/18/30	W. Pannwitz	Handpiece for dental purposes.
1,753,170	4/1/30	G. Kochendoerfer	Process for introduction of iodine into pyridine derivatives.
1,753,352	4/8/30	H. Stark	Hand or angle piece for dental purposes.
1,753,658	4/8/30	G. Kochendoerfer	Process for the preparation of sulphur compounds of pyridine.
1,753,084	4/8/30	G. Enssle	Method of activating charcoal.
1,755,083	4/22/30	K. Bromig	Production of glutaminic acid.
1,759,033	5/20/30	W. Beck	Smoke device.
1,759,369	5/20/30	W. Querfurth	Process for refining wood spirit oils.
1,761,376	6/3/30	H. Walter	Manufacture of santalol compounds.
1,774,733	9/2/30	H. Starck	Angle piece for dental purposes comprising a handle sleeve.
1,782,471	11/25/30	W. Kirchner	Means for and processes of accelerating the hardening of hydraulic binding means.
1,791,238	2/3/31	O. Fuchs	Process for the production of esters.
1,792,103	2/10/31	H. Lehrecke	Process for the stabilization of hydrocyanic acid.
1,804,454	5/12/31	W. Beck	Process for hardening articles made of iron or steel.
1,808,000	6/2/31	A. Gorhan	Process for concentrating volatile aliphatic acids.
1,813,760	7/7/31	J. Pfleger	Process for the manufacture of cyanogen formarylides.
1,819,145	8/18/31	W. Beck	Method for the destruction of animal pests.
1,820,394	8/25/31	J. Lingler	Method of fumigating with calcium cyanide.
1,821,324	9/1/31	K. Roka	Method of producing acetone.
1,830,581	11/3/31	L. Weiss	Process for the manufacture of opacifying oxides.
1,843,941	2/9/32	O. Begerow et al	Process and apparatus for activating carbonaceous material.
1,844,663	2/9/32	W. Kirchner	Process of rendering cement, mortar, and concrete watertight.
1,844,929	2/16/32	K. Bromig	Process for obtaining betaine hydrochloride.
1,852,988	4/5/32	J. Varga	Process for the destructive hydrogenation of carbonaceous substances.
1,855,110	4/19/32	K. Vieweg	Process for the preparation of an a-chloro-pyridine.
1,858,150	5/10/32	A. Gorhan	Process for concentrating volatile aliphatic acids.
1,858,151	5/10/32	A. Gorhan	Process for concentrating volatile aliphatic acids.
1,876,007	9/6/32	R. Hupe	Process for the hydrogenation of naphthalene.
1,876,008	9/6/32	R. Hupe	Process for the hydrogenation of naphthalene.
1,878,695	9/20/32	A. Gorhan	Process for extracting concentrated volatile aliphatic acids.
1,879,847	9/27/32	A. Gorhan	Production of waterfree ethyl alcohol.
1,881,303	10/4/32	L. Weiss	Process for the manufacture of opacifiers.
1,886,449	11/8/32	F. Sommer et al	Process for the preparation of n-methyl-p-aminophenol sulphate.
1,891,593	12/20/32	A. Gorhan	Apparatus for the manufacture of water-free ethyl alcohol.
1,892,742	1/3/33	H. Walter et al	Production of acetone.
1,899,924	1/17/33	J. Varga	Hydrogenation of naphthalene.
1,894,925	1/17/33	J. Varga	Hydrogenation of naphthalene.
1,894,926	1/17/33	J. Varga	Process for the destructive hydrogenation of carbonaceous substances.
1,910,297	5/23/33	W. Kirschner	Method for improving cement and cement mortar, and product thereof.
1,913,774	6/13/33	J. Selb	Catalysts for the hydrogenation and dehydrogenation of organic compounds.
1,914,311	6/13/33	K. Vieweg	Process for the incorporation of active oxygen in organic compounds.
1,914,312	6/13/33	K. Vieweg	Process for the manufacture of compositions of hydrogen-peroxide-phosphate.
1,916,106	6/27/33	A. Gorhan	Process for extracting concentrated volatile aliphatic Acids.
1,925,317	9/5/33	O. Fuchs	Process for making unsaturated aliphatic ketones.

Patent No.	Patent date	Inventor	Title
1,926,032	9/12/33	K. Roka	Process for the preparation of ketones from esters.
1,929,331	10/3/33	W. Querfurth	Process for the production of ketones.
1,931,708	10/24/33	W. Hundt	Container construction.
1,936,118	11/21/33	K. Roka	Catalytic apparatus.
1,936,483	11/21/33	E. Scheller	Process for the manufacture of cellulose solutions.
1,936,836	11/28/33	A. Gorhan	Manufacture of water-free ethyl alcohol.
1,938,512	12/5/33	K. Bromig	Process for the manufacture of salts of organic acids from albuminoids and the like.
1,939,116	12/12/33	O. Fuchs	Process for the continuous production of esters of ethyl alcohol.
1,942,346	1/2/34	E. Scheller	Process for the manufacture of cellulose solutions.
1,944,109	1/16/34	K. Roka	Process for the production of acetone.
1,946,020	2/6/34	A. Gorhan	Apparatus for producing anhydrous ethyl alcohol directly from mashes and the like.
1,946,231	2/6/34	L. Nowack	Process for the manufacture of alloys of precious metals which are amenable to heat treatment.
1,946,341	2/6/34	L. Von Szeszich	Destructive hydrogenation of carbonaceous materials.
1,948,060	2/20/34	O. Fuchs et al	Production of paraformaldehyde.
1,949,021	2/27/34	J. Leuser	Device for casting by centrifugal force.
1,953,381	4/3/34	K. Wiesler	Process for the continuous preparation of acetic acid from acetaldehyde.
1,953,499	4/3/34	W. Pohl	Process for the production of acetone from acetylene.
1,956,440	4/24/34	O. Fuchs	Process for preparing acetaldehyde.
1,961,912	6/5/34	W. Querfurth	Production of ketones.
1,966,371	7/10/34	W. Zisch et al	Process for the preparation of pure beryllium compounds.
1,968,162	7/31/34	W. Kirchner	Process for accelerating the hardening of hydraulic binding means.
1,969,699	8/7/34	E. Ryschkewitsch	Manufacture of highly refractory products.
1,980,162	11/6/34	W. Beck et al	Fused salt bath for carburizing iron, steel and the like.
1,982,556	11/27/34	L. Von Szeszich	Process of catalytic treatment of carbonaceous bodies.
1,982,559	11/27/34	K. Wiesler	Process for the manufacture of acetic acid from acetaldehyde.
1,982,683	12/4/34	A. Gorhan	Production of alcohol free from fusel oil.
1,982,689	12/4/34	A. Gorhan	Production of water-free alcoholic liquid mixtures.
1,992,450	2/26/35	O. Fuchs et al	Process for the production of higher alcohols, particularly butyl alcohol from ethyl alcohol.
1,992,931	3/5/35	C. Albrecht	Method of carburizing iron articles.
1,993,204	3/5/35	W. Beck et al	Method of case-hardening articles.
1,993,680	3/5/35	W. Schulenburg	Process for the manufacture of disinfecting soaps.
1,998,269	4/2/35	W. Beck et al	Method of case-hardening iron articles.
1,996,935	4/9/35	W. Truthe	Process for parting residues, sweepings, and the like containing precious metals.
2,002,621	5/28/35	K. Wiesler	Method for the generation and maintenance of constant gas pressure in closed systems.
2,002,704	5/28/35	W. Querfurth	Process for the production of ketones.
2,004,010	6/4/35	E. Naujoks	Process of producing pantaerythrite.
2,010,210	8/6/35	P. Witt	Holder for dental instruments.
2,012,465	8/27/35	W. Gedecke	Thermocouple of high electromotive force.
2,014,234	9/10/35	K. Roka et al	Process for the production of acetone.
2,015,012	10/1/35	F. Sommer	Method of treating high molecular split-off products of albumin with higher fatty acid chlorides, and product of said method.
2,016,321	10/8/35	A. Erdmann et al	Heating bath for hardening of steel, especially tool steel.
2,017,235	10/15/35	H. Schultes	Photographic developer.
2,024,701	12/17/35	G. Adolph et al	Process for the manufacture of masses and articles having a porous cellular structure.
2,023,634	1/21/36	W. Pohl	Method of and an apparatus for subjecting a flowing medium in a continuous operation to a reaction.
2,029,372	2/11/36	G. Jaeger	Process for the production of practically iron-free compounds of the earth metals, alkaline earth metals, rare earth metals, earth acids, or the like.
2,033,662	3/10/36	P. Witt	Holder for dental instruments.
2,036,097	4/14/36	K. Bromig	Process for stabilizing chlorinated rubber.
2,039,176	4/28/36	G. Locker	Process of manufacturing impregnated and/or coated textiles and an apparatus therefor.
2,041,131	5/19/36	G. Jaeger	Process for the preparation of metallic beryllium by electrolysis.
2,044,511	6/16/36	E. Ryschkewitsch	Burner.
2,049,943	8/4/36	K. Bromig	Process for obtaining chlorinated rubber from its solutions.
2,050,788	8/11/36	O. Fuchs et al	Process for the production of higher alcohols from a mixture of ethyl alcohol and methyl alcohol.
2,050,789	8/11/36	O. Fuchs et al	Manufacture of condensation products from aliphatic organic compounds.
2,050,804	10/ 6/36	W. Guertler	Aluminum alloy.
2,057,442	10/13/36	F. Mik	Method of producing porous solid matter and products thereof.
2,057,451	10/13/36	H. Schultes	Photographic developer.
2,063,079	12/8/36	W. Beck et al	Process for maintaining or regulating the efficacy of cyanide melts.
2,063,811	12/8/36	G. Jaeger	Process of decomposing beryllium minerals.
2,064,254	12/15/36	O. Fuchs et al	Production of higher ketones.
2,069,464	1/5/37	K. Bonath et al	Process for the thermal treatment of light metals and light metal alloys.
2,070,701	2/16/37	L. von Szeszich	Process for the production of mercaptans.
2,079,511	5/4/37	M. Klar et al	Process for the concentration of acetic acid.
2,089,260	7/27/37	W. Truthe	Process for the separation of precious metals from gold metal containing materials.

Patent No.	Patent date	Inventor	Title
2,092,422	9/7/37	E. Naujoks	Process for the production of solid easily soluble formaldehyde.
2,092,449	9/7/37	O. Fuchs et al	Manufacture of condensation products from aliphatic organic compounds.
2,092,460	9/7/37	O. Fuchs et al	Manufacture of condensation products from aliphatic organic compounds.
2,094,207	9/28/37	W. Joshua et al	Manufacture of condensation products from aliphatic compounds.
2,097,981	11/2/37	A. Karcher	Immersion heater for salt baths.
2,098,842	11/9/37	H. Walter	Preparation of acetaldehyde and a catalyst therefor.
2,100,099	11/23/37	F. Sommer et al	Cosmetic products.
2,102,068	12/14/37	A. Closmann	Collar.
2,103,799	12/28/37	K. Teubner	Collar.
2,110,082	3/8/38	H. Schaefer	Method of producing glossy surfaces on printed work and products thereof.
2,112,102	3/22/38	E. Klumpp	Manufacture of basic copper arsenate.
2,113,317	4/5/38	A. Closmann	Collar.
2,117,087	5/10/38	R. Formhals	Protein-carbohydrate fertilizer.
2,119,872	6/7/38	G. Wiegand	Higher molecular substituted protein cleavage products and methods for their preparation.
2,125,026	7/26/38	G. Jaeger	Process for the manufacture of alkali metal beryllium fluorides.
2,123,092	9/23/38	L. Jablonski et al	Tanning of leather or hides with mineral tanning agents.
2,128,340	8/30/38	K. Werner	Method of producing stable solutions of cellulose triacetate.
2,130,149	9/13/38	K. Nagel et al	Process for the production of cellulose ester foils or sheets.
2,137,270	11/22/38	F. Haifner et al	Process for the manufacture of phthalic di-diethylamide.
2,137,310	11/22/38	F. Sommer	Pliable and soft paper and manufacture thereof.
2,140,223	12/13/38	H. Henke	Electrically heated furnace.
2,143,217	1/10/39	W. Truthe	Process for reducing the grain in precious metals and their respective alloys.
2,144,521	1/24/39	G. Wiegand	Process of reducing the felting properties of wool or other fibrous substances of animal origin.
2,145,639	1/31/39	W. Zander	Process for the transformation of soluble mixtures containing chlorinated rubber into insoluble products.
2,148,275	2/21/39	K. Nagel	Manufacture of surface active agents.
2,148,345	2/21/39	H. Freudenberg	Preparation of metallic titanium.
2,148,664	2/28/39	A. Wille et al	Heat treatment of metals.
2,148,846	2/28/39	L. von Retze et al	Process for the separation of alcohol from the first runnings.
2,151,241	3/21/39	F. Sommer et al	Process of improving the properties of condensation products of high molecular split-off products of albumin with higher fatty acids as cosmetic products.
2,151,599	3/21/39	G. Jaeger	Electrolytic production of metals.
2,153,701	4/11/39	K. Werner	Process for the recovery of glycerin.
2,155,625	4/25/39	E. von Retze	Production of organic esters.
2,160,341	5/30/39	T. Reichert	Process for the carbonization of organic cellulosic materials of vegetable origin.
2,160,647	5/30/39	G. Jaeger et al	Process for decomposing beryllium minerals, particularly beryl.
2,162,323	6/13/39	A. Wille et al	Process for the recovery of beryllium compounds.
2,163,013	6/20/39	H. Schulz	Production of volatile fatty acid anhydrides.
2,164,087	7/4/39	M. Nassau	Photographic developer and substances added in preparing the same.
2,199,781	5/7/40	W. Guertler	Alloys resistant to burning and scaling.
2,202,231	5/28/40	T. Reichert	Process for the carbonization of wood and similar materials.
2,208,067	7/23/40	D. Elod	Tooth filling material.
2,210,695	8/6/40	M. Nassau et al	Aqueous textile, fiber impregnating composition.
2,211,057	8/13/40	M. Weimann	Method of extracting aliphatic acids from aqueous solutions.
2,212,593	8/27/40	E. Dittrich	Process for the production of acetaldehyde from acetylene.
2,216,495	10/1/40	O. Loebich	Manufacture of gold alloys.
2,217,569	10/8/40	W. Stephan	Process for the production of metallic iron powder.
2,222,644	11/19/40	J. Spanner et al	Formed piece of silver palladium alloys.
2,223,070	12/24/40	J. Spanner	Dental alloy.
2,223,643	1/14/41	H. Vollbrecht et al	Process of producing high quality carbon black.
2,232,747	2/25/41	L. von Szeszich et al	Method for producing high quality carbon black.
2,236,648	4/1/41	K. Nagel et al	Process for the production of foils or films of cellulose triacetate.
2,241,514	5/13/41	G. Jaeger et al	Process for the recovery of beryllium metal.
2,243,023	5/20/41	L. Weiss	Colored gold alloy.
2,243,059	5/20/41	H. Bernstorff	Process for the manufacture of working pieces impermeable to gas and vacuum proof.
2,243,177	5/27/41	L. Weiss	Colored gold alloy.
2,248,100	7/8/41	O. Loebich	Jewel made from golden colored alloys.
2,258,818	10/14/41	F. Sitte	Apparatus for producing activated carbon.
2,259,668	10/21/41	J. Spanner	Tarnish resistant silver alloy.
2,259,895	10/21/41	F. Koenig	Process for manufacture of aliphatic carboxylic acid anhydrides.
2,261,704	11/4/41	H. Wagner	Process for producing acrolein of high concentration.
2,268,123	12/30/41	O. Krefft	Process of manufacturing copper acetoarsenite.
2,269,272	1/6/42	O. Krefft	Insecticide.
2,270,594	1/20/42	J. Leuser	Soldering alloy.
2,270,607	1/20/42	E. Ryschkewitsch	Ceramic cutting tool.
2,270,889	1/27/42	K. Nagel et al	Manufacture of pentaerythritol-polycarboxylic acid resins.
2,271,264	1/27/42	E. Kaufmann et al	Process for the conversion of metals and metal alloys in finely divided form for the manufacture of dental amalgams.
2,273,569	2/17/42	A. Goetta	Process for the recovery of silver.
2,274,237	2/24/42	G. Jaeger et al	Process for the removal of metallic magnesium from mixtures of beryllium and magnesium.

Patent No.	Patent date	Inventor	Title
2,277,887	3/31/42	H. Schulz et al	Condensation process of the formaldehyde-acetaldehyde type.
2,287,082	6/23/42	K. Bauer	Process for the production of iron powders.
2,287,537	6/23/42	H. Schulz	Process for the production of beta-alcoxycarboxylic acids.
2,288,211	6/30/42	H. Schulz	Process for the production of beta-alkoxyaldehydes.
2,288,306	6/30/42	H. Wagner	Production of condensation products.
2,289,534	7/14/42	H. Wagner	Process for producing acrolein.
2,291,865	8/4/42	H. Bernstorff et al	Process for the production of metal alloys.

EXHIBIT B

Patent applications which stand of record in the United States Patent Office in the name of Chemical Marketing Company, Inc., and which are identified as follows:

Serial No.	Filing date	Inventor	Title
164,337	9/17/37	H. Holzmann	Manufacture of spinning nozzles.
234,402	10/11/38	H. Kloepfer et al	Process for the production of rubber active so-called gas black.
248,647	12/30/38	G. Jaeger	Cementation of metals and metal alloys with beryllium.
250,848	1/13/39	C. Albrecht et al	Process for hardening files.
250,850	1/13/39	H. Baier et al	Process for bleaching natural and artificial fibre and fibres of vegetable origin and free from incrustations.
265,607	4/1/39	G. Jaeger	Utensils, apparatus, apparatus parts exposed to attacking gases.
266,886	4/8/39	H. Kloepfer	Process for the production of carbon black.
268,144	4/15/39	H. Backe	Process for the preparation of active so-called gas-black.
268,381	4/17/39	E. Kaufmann	Process for the preparation of homogeneous mixed products.
269,240	4/21/39	V. Weickel	Manufacture of dentures.
272,786	5/10/39	H. Schulz	Process for the production of unsaturated acids and esters.
272,852	5/10/39	H. Walter et al	Process for production of condensation products.
273,330	5/12/39	O. Landgraf	Process and apparatus for the conversion of liquid substances into a finely divided form.
274,857	5/20/39	A. Goette	Process for the wet mechanical separation of raw material.
274,858	5/20/39	A. Goette	Process for the flotation of fluor spar.
275,513	5/21/39	M. Weimann	Manufacture of extracting aliphatic acids especially acetic acid.
276,021	5/25/39	G. Peters	Exterminating agents for animal vermins.
290,026	8/14/39	R. Weiner	Device for supporting articles in galvanic baths and the like.
292,740	8/30/39	H. Bernstorff et al	Process for the manufacture of compact junctions of light metals and light metal alloys with heavy metal and heavy metal alloys.
292,742	8/30/39	W. Beck et al	Process for chemical reactions in melts.
293,315	9/6/39	E. Ryschkewitsch	Process for the production of highly-sintered ceramic pieces.
293,507	9/5/39	K. Nagel	Process for producing condensation products of pentaeryth rital.
293,508	9/5/39	L. Weiss	Process for the preparation of cerium dioxide.
300,984	10/24/39	K. Nagel et al	Manufacture of pentaerythrol.
302,408	11/1/39	E. Scheller	Process for the bleaching of celluloses obtained by alkaline processes.
302,463	11/1/39	A. Gotte	Process for the flotation of nonsulfidic conglomerations.
303,912	11/10/39	E. Scheller	Process for the recovery of celluloses suitable for the manufacture of photographic papers.
303,913	11/10/39	E. Scheller	Process for the bleaching of celluloses.
306,913	11/10/39	H. Baier	Process for the disposal of waste cyanide solutions.
311,682	12/29/39	A. Gotte	Method of separating slimes containing fibrous materials.
313,412	1/11/40	H. Diehl	Black ceramic pigments and method of preparation.
321,788	3/1/40	H. Bernstorff	Process for the manufacture of beryllium cemented metallic articles.
324,184	3/15/40	H. Diehl	Ceramic coloring materials and process of preparing them.
331,456	4/24/40	R. Weiner	Electroplating baths for the electro-deposition of brass, copper, zinc, cadmium.
347,759	7/26/40	E. Scheller	Process for the manufacturing of bleached cellulose.
351,241	8/3/40	R. Weiner	Electroplating bath.
351,243	8/3/40	K. Vieweg	Process for the conversion of natural fibers.
352,465	8/13/40	F. Schelling	Metal pickling.
353,121	8/17/40	G. Jaeger	Annealing furnace.
356,562	9/12/40	J. Leuser	Dental alloy.
357,989	9/23/40	H. Brendlein	Process for producing of catalysts.
358,182	9/24/40	W. Kerstan	Process for the production of white opaque enamels.
360,650	10/10/40	O. Landgraf	Process and apparatus for the conversion of molten metals or metal alloys.
362,154	10/21/40	H. Bernsdorff	Grinding and cutting bodies.
364,355	11/4/40	K. Frohlich	Friction stressed solid and hollow tips.
368,390	12/3/40	E. Czapp et al	Dentures.
368,408	12/3/40	H. Diehl	Process for the production of chromium containing coloring agents for glasses, enamels and the like.
369,880	12/12/40	W. Kerstan	Process for the production of boron, free enamels, glasses and the like.
375,488	1/22/41	E. Elod	Process for the carroting of animal hairs.
375,679	1/23/41	C. Albrecht	Process and apparatus for heat treating metallic goods in baths.
376,225	1/27/41	M. Weimann	Extracting aliphatic acids.
376,926	1/31/41	H. Wagner	Process for the conversion of aldehydes containing a Vinyl group into the corresponding alcohols.
381,191	2/28/41	J. Schneider	Process for the production of porous bodies.
385,578	3/27/41	H. Bernstorff et al	Device for stirring melts.
387,106	4/5/41	F. Stitz	Process for the preparation of six membered N-heterocyclic compounds from acrolein or its homologues and ammonia.
388,876	4/16/41	O. Landgraf	Process and apparatus for the comminution of fused materials.
388,886	4/16/41	W. Truthe	Process for the conversion of metals into finely divided form.
393,258	5/13/41	W. Beck et al	Process for chemical reactions in melts.
395,497	5/27/41	K. Wiesler	Froth flotation process.
395,498	5/27/41	K. Wiesler	Froth flotation process.
395,499	5/27/41	K. Wiesler	Froth flotation process.
401,522	7/8/41	J. Schneider	Process for the production of porous material.
401,673	7/9/41	E. Elod	Felting property of dyed shoddy.

[F. R. Doc. 42-12799; Filed, December 3, 1942; 10:20 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 70 Under MPR 188]

MODEL AIRPLANE COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 70 Under Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other than Apparel.

Approval of maximum prices for sales by Model Airplane Company of a new game.

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Model Airplane Company is authorized to sell and deliver a new game, designated as "No. 1050 Secret Bomb-Site Game," at prices f. o. b. New York, New York, no higher than those set forth below:

To retailers	$7.20 per dozen
To jobbers	$6.00 per dozen

(b) This Order No. 70 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 70 shall become effective on the 4th day of December 1942.

Issued this 3d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12821; Filed, December 3, 1942; 3:10 p. m.]

[Order 71 Under MPR 188]

STYLO-PLASTIC MANUFACTURING COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 71 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of a maximum price for sales by Stylo-Plastic Manufacturing Company of a new painting set.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Stylo-Plastic Manufacturing Company is authorized to sell and deliver its new "Stylo-Plastic" painting set, f. o. b. New York, New York, at prices no higher than those set forth below:

	Per unit
To jobbers	$0.594
To department stores	.712
To other retailers	.75

(b) This Order No. 71 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 71 shall become effective on the 4th day of December 1942.

Issued this 3d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12822; Filed, December 3, 1942; 3:09 p. m.]

[Order 72 Under MPR 188]

ANDORRA FOREST PRODUCTS COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 72 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of a maximum price for sales by Andorra Forest Products Company of a new table croquet game.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Andorra Forest Products Company is authorized to sell and deliver its new table croquet game f. o. b. Marlow, New Hampshire, to retailers at a price no higher than $7.20 per dozen.

(b) This Order No. 72 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 72 shall become effective on the 4th day of December 1942.

Issued this 3d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12823; Filed, December 3, 1942; 3:08 p. m.]

[Order 73 Under MPR 188]

MASTER SLEEVE FORM COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 73 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of a maximum price for sales by Master Sleeve Form Company of a new toy helmet.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Master Sleeve Form Company is authorized to sell and deliver to retailers a new toy helmet manufactured by it, at a price, f. o. b., New York, New York, no higher than $42.00 per gross.

(b) This Order No. 73 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 73 shall become effective on the 4th day of December 1942.

Issued this 3rd day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12824; Filed, December 3, 1942; 3:10 p. m.]

[Order 74 Under MPR 188]

DUPLIGRAPH JR. COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 74 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of maximum prices for sales by Dupligraph Jr. Company of a new toy duplicating machine.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Dupligraph Jr. Company is authorized to sell and deliver its new "Dupligraph Jr." Machine, f. o. b. Chicago, Illinois, at prices no higher than those set forth below:

	Per unit
To jobbers	$2.14
To retailers, in quantities of 72 or more	2.59½
To retailers, in quantities of 12 to 72	2.70
To retailers, in quantities of less than 12	3.00

(b) This Order No. 74 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 74 shall become effective on the 4th day of December 1942.

Issued the 3d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12825; Filed, December 3, 1942; 3:08 p. m.]

[Order 75 Under MPR 188]

OTIS-LAWSON CO.

APPROVAL OF MAXIMUM PRICE

Order No. 75 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of a maximum price for sales by Otis-Lawson Company of a new bombsight game.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Otis-Lawson Company is authorized to sell and deliver its new bombsight game, designated as "No. 6 Junior Bombsight", at prices f. o. b. New York, New York, no higher than those set forth *below:*

To dealers	$3.50 per dozen
To jobbers	7.50 per dozen

(b) This Order No. 75 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 75 shall become effective on the 4th day of December 1942.

Issued this 3d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12326; Filed, December 3, 1942; 3:03 p. m.]

[Order 76 Under MPR 188]

BADGER CUTOUTS, INC.

APPROVAL OF MAXIMUM PRICE

Order No. 76 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of maximum prices for sales by Badger Cutouts, Incorporated, of two new cardboard toy animals.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Badger Cutouts Incorporated is authorized to sell and deliver to retailers two new cardboard toys, designated as "Pup-Pet" toy animals at prices no higher for each than $9.00 per gross f. o. b. Brooklyn, New York.

(b) This Order No. 76 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 76 shall become effective on the 4th day of December 1942.

Issued this 3d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12327; Filed, December 3, 1942; 3:03 p. m.]

[Order 77 Under MPR 188]

DUR-O-LITE PENCIL CO.

ADJUSTMENT OF MAXIMUM PRICE

Order No. 77 under § 1499.161(a) (1) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Adjustment of maximum prices for sales of mechanical pencils by Dur-O-Lite Pencil Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Dur-O-Lite Pencil Company is hereby authorized to sell and deliver to

the Western Electric Company at prices no higher than the following:

Item:	
8-B	10.9¢
8-C	11.4¢

(b) This Order No. 77 may be revoked or amended by the Administrator at any time.

(c) This Order No. 77 shall become effective on the 4th day of December 1942.

Issued this 3d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12828; Filed, December 3, 1942; 3:08 p. m.]

[Order 41 Under RPS 64]

ENTERPRISE FOUNDRY INC.

APPROVAL OF MAXIMUM PRICE

Order No. 41 Under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

Approval of maximum prices for sale of Model No. 4484 by Enterprise Foundry Inc., Belleville, Illinois.

On August 24, 1942, Enterprise Foundry Inc., Belleville, Ill., filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64, for approval of a proposed maximum price for two models, a coal and wood range, one made with a reservoir and one made without a reservoir, designated by the applicant as Model No. 4484.

Due consideration has been given to the application and an opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250, *It is hereby ordered:*

(a) Enterprise Foundry Inc. may sell, offer to sell, deliver or transfer the following models at prices no higher than those specified:

Model No. 4484 Sq. (without reservoir) $44.25 f. o. b. factory to dealers.
Model No. 4484 Balanced (with reservoir) $54.29 f. o. b. factory to dealers.

subject to discounts, allowances and terms no less favorable than those in effect with respect to the respective comparable models of model No. 3484, under § 1356.1 of Revised Price Schedule No. 64.

(b) This Order No. 41 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 41 shall become effective on the 4th day of December, 1942.

Issued this 3d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12820; Filed, December 3, 1942; 3:09 p. m.]

[Order 1 Under MPR 208]

RICE-STIX COMPANY

ORDER ADJUSTING MAXIMUM PRICES

Order No. 1 Under § 1389.213 (b) of Maximum Price Regulation 208—Staple Work Clothing—Docket No. 3208-1.

An opinion in support of this Order No. 1 under § 1389.213 (b) of Maximum Price Regulation 208 is issued simultaneously herewith and filed with the Division of the Federal Register. Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, and pursuant to Revised Procedural Regulation No. 1, *It is hereby ordered:*

(a) Rice-Stix Company of St. Louis, Missouri, may sell and deliver denim overalls and overall jackets manufactured by it at prices not in excess of those stated in paragraph (b). Any person may buy and receive such garments at such prices from Rice-Stix Company.

(b) The maximum prices of Rice-Stix Company shall be the prices determined under § 1389.203 of Maximum Price Regulation 208, except that it is not required to make the deductions required of other sellers by § 1389.203 (c).

(c) Rice-Stix Company shall mail or cause to be mailed to all persons who purchase denim overalls or overall jackets from it for sale at retail a notice reading as follows:

The Office of Price Administration has permitted us to establish as our maximum prices for sales to you of overalls and overall jackets manufactured by us the prices shown on our price list circulated under date of December 31, 1941, without making the deductions required of other sellers. This exemption was allowed because we were unable to absorb the deduction, and was granted with the understanding that retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of overalls and overall jackets manufactured by us.

(d) All prayers of the petition of Rice-Stix Company, assigned the Docket Number 3208-1, which are not granted by this order are denied.

(e) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in Maximum Price Regulation 208 shall apply to terms used herein.

(g) This Order No. 1 shall become effective December 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12883; Filed, December 4, 1942; 11:52 a. m.]

[Order 42 Under RPS 64]

BOSTON STOVE FOUNDRY CO., READING, MASSACHUSETTS

APPROVAL OF MAXIMUM PRICE

Order No. 42 to Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On September 17, 1942, Boston Stove Foundry Company, Reading, Mass., filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of a maximum price for a coal and wood range designated in the application as model V-21.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250; *It is hereby ordered:*

(a) Boston Stove Foundry Company may sell, offer to sell, or deliver the V-21 coal and wood range manufactured by it at a price no higher than $78.72, subject to discounts, allowances, and terms no less favorable than those in effect with respect to the B-921 model as established under Revised Price Schedule No. 64: *Provided,* That freight on all shipments is prepaid to all points within New England and that on all shipments outside New England a 30¢ cwt. freight allowance is made.

(b) This Order No. 42 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 42 shall become effective on the 5th day of December 1942

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12882; Filed, December 4, 1942; 11:54 a. m.]

[Order 98 Under MPR 120]

PENNSYLVANIA COAL AND COKE CORPORATION

ORDER GRANTING ADJUSTMENT

Order No. 98 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-287.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (d) of Maximum Price Regulation No. 120; *It is hereby ordered:*

(a) Pennsylvania Coal and Coke Corporation, New York, New York, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not

in excess of the respective prices stated therein;

(b) (1) Coals produced by the Pennsylvania Coal and Coke Corporation at its Mine No. 8, Mine Index No. 373, District No. 1, may be sold for all shipments and uses at prices not to exceed the maximum prices heretofore established by Maximum Price Regulation No. 120 for such coals, f. o. b. the mine, plus 5 cents per net ton;

(2) Coals produced by the Pennsylvania Coal and Coke Corporation at its Mine No. 9–E, Mine Index No. 375, District No. 1, may be sold for all shipments and uses at prices not to exceed the maximum prices heretofore established by Maximum Price Regulation No. 120 for such coals, f. o. b. the mine, plus 85 cents per net ton.

(3) Coals produced by the Pennsylvania Coal and Coke Corporation at its Mine No. 9–B, Mine Index No. 374, District No. 1, may be sold for all shipments and uses at prices not to exceed the maximum prices heretofore established by Maximum Price Regulation No. 120 for such coals, f. o. b. the mine, plus 40 cents per net ton.

(4) Coals produced by the Pennsylvania Coal and Coke Corporation at its Mine No. 10, Mine Index No. 376, District No. 1, may be sold for all shipments and uses at prices not to exceed the maximum prices heretofore established by Maximum Price Regulation No. 120 for such coals, f. o. b. the mine, plus 15 cents per net ton.

(5) Coals produced by the Pennsylvania Coal and Coke Corporation at its Mine No. 21–22, Mine Index No. 378–379, District No. 1, may be sold for all shipments and uses at prices not to exceed the maximum prices heretofore established by Maximum Price Regulation No. 120 for such coals, f. o. b. the mine, plus 45 cents per net ton.

(6) Coals produced at the Pennsylvania Coal and Coke Corporation at its Mine No. 46, Mine Index No. 381, may be sold for railroad fuel at prices not to exceed the applicable effective minimum prices established therefor by the Bituminous Coal Division, Department of the Interior, as of April 1, 1942, plus a sum not exceeding 45 cents per net ton, f. o. b. the mine, and for all other shipments and uses at prices not to exceed the maximum prices heretofore established by Maximum Price Regulation No. 120 for such coals, f. o. b. the mine, for such shipments and uses, plus 25 cents per net ton.

(c) This Order No. 98 may be revoked or amended by the Price Administrator at any time;

(d) Within 30 days from the effective date of this Order, the said Pennsylvania Coal and Coke Corporation shall inform all persons purchasing its coal of the adjustments granted in this Order and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted by this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122;

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(f) This Order No. 98 shall become effective this 5th day of December, 1942.

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12831; Filed, December 4, 1942; 11:54 a. m.]

[Order 97 Under MPR 120]

CONTINENTAL COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 97 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 3120–268.

For the reasons set forth in an Opinion issued simultaneously herewith, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (d) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coals produced by Continental Coal Company, Spokane, Washington, at its McKay Mine, Mine Index No. 19, in District No. 23, may be sold and purchased for shipment by rail at prices not to exceed the following respective prices per net ton, f. o. b. the mine:

Size group:	*Maximum price*
1	$7.75
9	6.95
14	6.00
17	5.70
18	5.70
21	5.20
22	4.95
25	3.20

(b) Within thirty (30) days from the effective date of this Order, the said Continental Coal Company shall notify all persons purchasing its coals of the adjustments granted in paragraph (a) of this order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122.

(c) This Order No. 97 may be revoked or amended by the Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(e) This Order No. 97 shall become effective December 5, 1942.

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12880; Filed, December 4, 1942; 11:56 a. m.]

[Order 94 Under MPR 120]

CARBON FUEL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 94 under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 3120–236.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120: *It is ordered:*

(a) James Bolde, doing business as Carbon Fuel Company, Bayne, Washington, may sell and deliver, and any person may buy and receive bituminous coal described in paragraph (b) at prices not in excess of the respective prices established therein, for shipment by rail and for shipment by truck or wagon.

(b) Coals produced by James Bolde, doing business as Carbon Fuel Company, at his Bayne No. 3 Mine, Mine Index No. 2, in District 23, may be sold for shipment by rail and by truck or wagon at prices per net ton f. o. b. the mine not to exceed the following:

Size group	9	10	12	14	21	23
Rail	$5.15	$4.65	$4.60	$4.35	$3.85	$3.85
Truck	$5.60	$5.00	$4.75	$4.60	$4.25	$4.15

(c) Within thirty (30) days from the effective date of this Order, said James Bolde, doing business as Carbon Fuel Company shall notify all purchasers of its coals of the adjustments granted by this Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122.

(d) This Order No. 94 may be revoked or amended by the Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(f) This Order No. 94 shall become effective December 5, 1942.

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12877; Filed, December 4, 1942; 11:54 a. m.]

[Order 95 Under MPR 120]

CHESAPEAKE AND OHIO RAILWAY COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 95 under Maximum Price Regulation No. 120—Bituminous Coal

Delivered from Mine or Preparation Plant.

For the reasons set forth in the Opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (d) of Maximum Price Regulation No. 120, *It is ordered:*

(a) High volatile coals produced in Districts Nos. 7 and 8 and purchased by the Chesapeake and Ohio Railway Company for railroad fuel for other than locomotive use at prices not higher than the maximum prices applicable thereto, may nevertheless be used in locomotives operated by said company,

Provided, however, That the Chesapeake and Ohio Railway Company shall file with the Bituminous Coal Division of the Department of the Interior, Washington, D. C., on the twentieth day of each month a verified report setting forth for the preceding calendar month, the total tonnage of and actual sizes of coals purchased for locomotive use, and of coals purchased for other than locomotive use, indicating in each instance the tonnage used for purposes other than that for which the coal was purchased.

(b) This Order No. 95 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 122 shall apply to the terms used herein.

(d) This Order No. 95 shall be effective December 5, 1942.

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12878; Filed, December 4, 1942; 11:52 a. m.]

[Order 96 Under MPR 120]

HOUCK REIDLER BROS. COAL MINING CO.

ORDER GRANTING ADJUSTMENT, ETC.

Order No. 96 under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 1120-84-P.

Order granting adjustment and denying protest insofar as relief is not granted.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, it is ordered:

(a) *Granting adjustment.* (1) Houck Reidler Bros. Coal Mining Company, Tunnelton, West Virginia, may sell and deliver, and any person may buy and receive the bituminous coal described in subparagraph (2) at prices not in excess of the respective prices stated therein.

(2) Coals in Size Groups 6 and 7 produced by Houck Reidler Bros. Coal Mining Company at its Louis Mine (Mine Index No. 94), District No. 3 may be sold for shipment by rail except for railroad fuel use at prices not to exceed $2.35 per net ton f. o. b. the mine; and for shipment for railroad fuel use at prices not to exceed $2.20 per net ton f. o. b. the mine.

(3) Paragraph (a) of this Order No. 96 may be revoked or amended by the Price Administrator at any time.

(4) Within thirty (30) days from the effective date of this order, Houck Reidler Bros. Coal Mining Company, Tunnelton, West Virginia, shall notify all persons purchasing its coals of the specific adjustments granted by paragraph (a) of this Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122.

(5) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(b) *Denying protest insofar as relief is not granted.* The protest filed by Houck Reidler Bros. Coal Mining Company against Maximum Price Regulation No. 120, and assigned Docket No. 1120-84-P, is hereby denied insofar as relief has not been granted by paragraph (a) of this Order No. 96.

(c) This Order No. 96 shall become effective December 5, 1942.

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12879; Filed, December 4, 1942; 11:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-297]

ATLAS CORPORATION, ET AL.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2d day of December, A. D., 1942.

In the matter of Atlas Corporation, Albert Pick Company, Inc., and Franklin Products Corporation:

Atlas Corporation, a registered closed-end investment company, Albert Pick Company Inc., an affiliated person of Atlas Corporation, and Franklin Products Corporation, a wholly-owned subsidiary of Albert Pick Company Inc., have filed a joint application under and pursuant to the provisions of section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) (2) of the Act a proposed purchase from the Atlas Corporation of 114,600 shares of the common stock of Albert Pick Company Inc. in manner as follows: (1) Franklin Products Corporation proposes to purchase not more than 80,000 shares at a cash price of $4.85 per share (2) Maurice Rothschild, president of Franklin Products Corporation and a director of Albert Pick Company Inc., proposes to purchase such portion of the foregoing 80,000 shares not accepted by Franklin Products Corporation and an additional 20,000 shares at a cash price of $4.85 per share and, further, Maurice Rothschild proposes to purchase the remaining 14,600 shares at $5.00 per share, the consideration for which will be represented by a collateral note.

It is ordered, That a hearing on the matter of this application be held on December 10th, 1942, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise the interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire, or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicants and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12836; Filed, December 3, 1942; 3:54 p. m.]

[File No. 70-555]

CENTRAL MAINE POWER CO., ET AL.

SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2d day of December 1942.

In the matter of Central Maine Power Company, Cumberland County Power and Light Company, New England Industries, Inc. and New England Public Service Company.

The Commission having heretofore on November 4, 1942, issued its order herein granting the application of Central Maine Power Company pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for an exemption from the provisions of section 6 (a) of said Act with respect to the issuance and sale by said Central Maine Power Company of $12,500,000 aggregate principal amount of its First and General Mortgage Bonds, Series M 3½% due 1972, and $5,000,000 aggregate principal amount of its Serial Notes dated as of December 1, 1942, and maturing serially $250,000 principal amount on June 1st and December 1st of each of the years 1943 through 1952, subject to certain terms and conditions

and reservations of jurisdictions in said order contained; and

Said application having provided that said Central Maine Power Company proposed to invite proposals for competitive bidding with respect to said bonds as provided in Rule U-50 of the General Rules and Regulations under the Public Utility Holding Company Act of 1935, and said application having further provided that the price and interest rate of said serial notes would be furnished to the Commission by amendment; and the Commission having reserved jurisdiction to pass upon the price and spread of said bonds and the price of said notes; and

Central Maine Power Company having filed an amendment to its application herein, which amendment specifies that said applicant has accepted the proposal of The First Boston Corporation and Coffin & Burr, Incorporated, as representatives and on behalf of an underwriting group to purchase said First and General Mortgage Bonds, Series M 3½% due 1972, at a price of 106.31 plus accrued interest from September 1, 1942, to date of delivery, said bonds to be offered initially to the public by said underwriters at 107.375 plus accrued interest; and

Said amendment further reporting that said serial notes are to be sold at private sale and that the notes maturing in the years 1943 through 1945 in the aggregate principal amount of $1,500,000 are to be sold to Guaranty Trust Company of New York, and the said serial notes maturing in the years 1946 through 1952 in the aggregate principal amount of $3,500,000 are to be sold to The Travelers Insurance Company; that said notes maturing in the years 1943 through 1945 will bear interest at the rate of 2¼% per annum, those maturing in the years 1946 through 1948 will bear interest at the rate of 2¾% per annum and those maturing in the years 1949 through 1952 will bear interest at the rate of 3% per annum; and that said notes will be sold at the face amount thereof; and

The Commisison having examined said amendment and having examined the record and finding no basis for imposing further terms and conditions with respect to the issue and sale of said bonds and said notes upon the terms and at the price as aforesaid:

It is ordered, That the jurisdiction heretofore reserved with respect to the price and spread of said bonds and the price of said notes be and the same hereby is released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12340; Filed, December 3, 1942; 3:53 p. m.]

[File No. 54-42]

CENTRAL STATES UTILITIES CORP., ET AL.

INTERIM ORDER APPROVING PORTION OF SECTION 11 (e) PLAN

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 1st day of December, A. D. 1942.

In the matter of Central States Utilities Corporation, Central States Power & Light Corporation, Missouri Electric Power Company and Ogden Corporation.

Ogden Corporation, a registered holding company, together with Central States Utilities Corporation, its subsidiary holding company, Central States Power and Light Corporation, a holding-operating company, which is in turn a subsidiary of Central States Utilities Corporation, and Missouri Electric Power Company, a subsidiary of Central States Power and Light Corporation, having filed amendments to an application under section 11 (e) of the Public Utility Holding Company Act of 1935 which requests approval by interim order of the sale of all of the assets of Missouri Electric Power Company to Sho-Me Power Cooperative, the waiver of interest by Ogden on Central States Power and Light Corporation debentures owned by it, the dissolution of Missouri Electric Power Company and the utilization of the proceeds of the sale and certain other funds of Central States Power and Light Corporation to retire a portion of, or make pro rata payments upon, the latter's outstanding First Mortgage and First Lien Gold Bonds, 5½% Series, due 1953, or both;

A public hearing having been duly held after appropriate notice and the Commission having considered the record in this matter and filed its findings herein;

It is ordered, That the transactions proposed in said amendments to the application under section 11 (e) be and the same hereby are approved forthwith, subject, however, to the following terms and conditions:

(1) The terms and conditions set forth in Rule U-24 and that applicants secure such authorizations as are required under State law;

(2) That the form of the letters or advertisements soliciting tenders be submitted to the Commission, and that no solicitation be made unless applicants shall not have been notified by the Commission of its disapproval of such letters or advertisements within three days subsequent to the filing thereof with the Commission;

(3) That the letters soliciting tenders be mailed to Central States Power and Light Corporation bondholders not less than 10 days prior to the first date upon which tenders may be accepted;

(4) That no persons be directly or indirectly employed to solicit tenders of bonds from the holders thereof unless a statement is filed with the Commission showing the names of such persons, the amount of compensation to be paid each of them, the manner in which such compensation is to be determined, and the instructions to be given them, and applicants are not notified by the Commission of its disapproval of any of the foregoing matters within three days subsequent to the filing of the said statement with the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12337; Filed, December 3, 1942; 3:52 p. m.]

[File No. 63-16]

COLUMBIA OIL & GASOLINE CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of November, A. D. 1942.

Order permitting declaration concerning solicitation of authorization with respect to section 11 (e) plan to become effective.

The Commission having previously issued its Order (Holding Company Act Release No. 3829) approving a plan filed under section 11 (e) by Columbia Oil & Gasoline Corporation and Columbia Gas & Electric Corporation, a registered holding company and parent of Columbia Oil & Gasoline Corporation; and

Columbia Oil & Gasoline Corporation having filed a declaration and an amendment thereto seeking permission to solicit authorizations from its stockholders for approval of various transactions involved in the said 11 (e) plan, and having further requested that action on such declaration be accelerated; and

It appearing to the Commission that the request for acceleration should be granted and that said declaration should be permitted to become effective:

It is hereby ordered, That said declaration be, and the same hereby is, permitted to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12339; Filed, December 3, 1942; 3:52 p. m.]

[File No. 70-571]

CONSOLIDATED ELECTRIC AND GAS CO., ET AL.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 27th day of November 1942.

In the matter of Consolidated Electric and Gas Company, Baraga County Light and Power Company, Central Indiana Gas Company, Citizens Gas Company, Florida Public Utilities Company, Hoosier Gas Corporation, Houghton County Electric Light Company, Lynchburg Gas Company and Maine Public Service Company.

Order granting applications pursuant to sections 6 (b) and 10, and permitting declarations pursuant to sections 7 and 12 to become effective.

Consolidated Electric and Gas Company, a registered holding company, and its subsidiary companies, Baraga County Light and Power Company, Central Indiana Gas Company, Citizens Gas Company, Florida Public Utilities Company, Hoosier Gas Corporation, Houghton County Electric Light Company, Lynchburg Gas Company and Maine Public Service Company, having filed applications and declarations, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 and particularly sections 6, 7, 10 and 12 thereof and Rules U-42, U-43, U-44, U-45, and U-50 of the rules and regulations promulgated thereunder regarding: (a) The redemption by Consolidated Gas and Electric Company (Consolidated) of Central Gas and Electric Company First Lien Collateral Trust Sinking Fund Bonds (Cengas Bonds) in the principal amount of $7,445,100. (heretofore assumed by Consolidated); which bonds are secured in part by securities of Central Indiana Gas Company (Indiana), Florida Public Utilities Company (Florida), Citizens Gas Company (Citizens), Hoosier Gas Corporation (Hoosier), Houghton County Electric Light Company (Houghton), Lynchburg Gas Company (Lynchburg), and Maine Public Service Company (Maine); (b) the issuance and sale by the seven subsidiary companies last above listed, of first mortgage bonds and application of part of the proceeds to acquire securities owned by Consolidated and pledged under the Cengas indenture; (c) as preliminary steps the acquisition of securities of Baraga County Light and Power Company (Baraga) by Houghton from Consolidated, transfer of Baraga's assets to Houghton through the liquidation of Baraga and the purchase from Consolidated by Maine of securities of the Maine and New Brunswick Electrical Power Company (New Brunswick), a subsidiary company of Consolidated. The transactions mentioned above, which are set forth in detail in the findings and opinion, are to be effected in the following manner:

1. Consolidated will sell to Houghton all of Baraga's outstanding common stock for approximately $270,000 which will be paid for with a promissory note of Houghton in the face amount of $200,000 and the issuance of 2,800 additional shares of Houghton common stock of $25 par value per share. Baraga will then declare a liquidating dividend, its assets will be acquired and liabilities assumed by Houghton.

2. Houghton proposes to issue and sell $1,300,000 principal amount of First Mortgage Bonds, 3¾% Sinking Fund Series due 1962, at 100½ and to apply the proceeds (a) to redeem and retire Baraga bonds which it will have assumed, in the principal amount of $280,000; and (b) to pay Consolidated $1,000,000 in order to redeem and retire its indebtedness of that amount evidenced by notes.

3. Consolidated proposes to sell all the outstanding securities of New Brunswick, with the exception of $7,900 of 6% Perpetual Debenture Stock which is publicly held, to Maine for $1,100,000. For the securities so to be transferred to it, Maine proposes to issue and sell to Consolidated a non-interest bearing demand note in the principal amount of $1,100,000.

4. Maine proposes to issue and sell First Mortgage and Collateral Trust Bonds, 3¾% Sinking Fund Series due 1972, in the principal amount of $2,000,000, at 101¾ and to apply the proceeds in partial satisfaction of $2,592,800 of indebtedness, evidenced by notes, owed to Consolidated. The balance of such indebtedness ($592,800) will be donated by Consolidated to Maine as a contribution to capital.

5. Indiana proposes to issue and sell $3,750,000 principal amount of First Mortgage Bonds, 4% Sinking Fund Series due 1962, at 102 and to apply the proceeds as follows: (a) $1,516,935 to redeem securities held by the public; and (b) $2,308,065 in partial satisfaction of its indebtedness, evidenced by bonds and a note, to Consolidated. Consolidated will surrender as a contribution to Indiana's capital the unpaid balance of the debt securities in the amount of $991,935 and 3,119 shares of Indiana's $100 par preferred stock.

6. Citizens proposes to issue and sell $100,000 principal amount of First Mortgage Bonds, 4% Sinking Fund Series due 1962, at 102 and to apply the proceeds in partial payment of bonds presently outstanding in the principal amount of $209,000, which bonds are owned by Consolidated. The unpaid balance of the bonds will be discharged by the issuance of 10,700 additional shares of common stock of the stated value of $10 per share.

7. Florida proposes to issue and sell $1,400,000 principal amount of First Mortgage Bonds, 4% Sinking Fund Series due 1962, at 102½ and to apply the proceeds in partial payment of its notes in the aggregate principal amount of $2,100,500, which are owned by Consolidated. The unpaid balance of the notes will be satisfied by the issuance of 66,550 shares of common stock of $10 par value. Florida proposes to issue 5,000 shares of common stock of $10 par value per share in lieu of 5,000 shares of common stock of no par value presently outstanding and owned by Consolidated.

8. Hoosier proposes to issue and sell $350,000 principal amount of First Mortgage Bonds, 4% Sinking Fund Series due 1962, at 101 and to apply the proceeds from such sale: (a) To redeem Newton Pipe Line Company Bonds (heretofore assumed by it) in the principal amount of $38,500; (b) to retire at par its First Mortgage 6% Bonds in the principal amount of $87,500, owned by Consolidated; and (c) to apply $227,500 in partial satisfaction of notes owned by Consolidated. The unpaid balance of such notes, approximately $353,532, will be satisfied by the issuance and sale to Consolidated of 14,141 shares of common stock, of the stated value of $25 per share.

9. Lynchburg proposes to issue and sell First Mortgage Bonds, 4% Sinking Series due 1962, in the principal amount of $500,000 at 101 and to apply the proceeds in partial payment of its 6% note in the face amount of $889,800, owned by Consolidated. Of the $384,800 unpaid balance of this note, $144,518 will be satisfied by the issuance and sale to Consolidated of 2,890 additional shares of common stock, having a stated value of approximately $50 per share, and the remainder, $240,282, will be contributed by Consolidated to the capital of Lynchburg.

10. Conselidated will receive from its subsidiary companies approximately $7,665,065, all of which will be deposited with the Trustee of the Cengas indenture. The funds so deposited will be applied to redemption of the Cengas bonds at 102.

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter, and having made and filed its findings and opinion herein;

It is ordered, That the said applications, as amended, be and hereby are granted, and the said declarations, as amended, be and hereby are permitted to become effective forthwith, subject, however to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-12841; Filed, December 3, 1942; 3:52 p. m.]

[File No. 812-280]

KEYSTONE CUSTODIAN FUNDS, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Penna. on the 1st day of December, A. D. 1942.

In the matter of Keystone Custodian Funds, Inc. as trustee for Keystone Custodian Funds series B-1, B-2, B-3, B-4, K-1, K-2, S-1, S-2, S-3 and S-4.

Keystone Custodian Funds, Inc., as trustee for Keystone Custodian Funds, Series B-1, B-2, B-3, B-4, K-1, K-2, S-1, S-2, S-3 and S-4, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) of the said Act certain transactions among the several Keystone Custodian Funds.

The cash of the several Keystone Custodian Funds is commingled in an agency account. The trust agreement and the custodian agreement permit each fund to withdraw cash from the agency account to the extent of all receivables credited to the account of the particular fund in addition to the cash held in the agency account for the account of the particular fund. Applicant seeks an order of the Commission exempting the withdrawals of cash against receivables by the various Keystone Custodian Funds from the provisions of section 17 (a) of the Act.

It is ordered, That a hearing on the aforesaid application be held on the 11th day of December, 1942 at 10 o'clock in the forenoon of that day in the hearing room of the Securities and Exchange Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will

advise the interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commissions Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-12835; Filed, December 3, 1942; 3:53 p. m.]

[File No. 70-628]

THE NORTH AMERICAN COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 1st day of December, A. D. 1942.

The North American Company, a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (b) thereof and Rule U-43 thereunder regarding a proposed distribution on or about December 30, 1942, in payment of a dividend on its common stock of not more than 156,000 shares of the capital stock of The Detroit Edison Company; and

Said declaration having been filed on the 17th day of November 1942, and notice of said filing having been duly given in the manner and form prescribed by Rule U-23 under said Act and the Commission not having received a request for hearing with respect to said declaration within the period specified within such notice or otherwise and not having ordered a hearing thereon; and The North American Company having requested that said declaration as filed become effective on or before December 1, 1942; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective pursuant to said section 12 (b) and said Rule U-43, and being satisfied that the effective date of said declaration should be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declaration be and the same is hereby permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-12834; Filed, December 3, 1942; 3:52 p. m.]

[File Nos. 59-47 and 54-63]

REPUBLIC SERVICE CORPORATION

NOTICE OF FILING AND ORDER FOR HEARING, ETC.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 2d day of December, A. D. 1942.

In the matter of Republic Service Corporation and its subsidiaries—Respondents.

Notice of filing and order for hearing on plan filed under section 11 (e); order consolidating proceedings with pending proceedings under section 11 (b); and order reconvening hearings.

I

Notice is hereby given that a declaration or application (or both) pursuant to the Public Utility Holding Company Act of 1935 and the Rules promulgated thereunder, has been filed by Republic Service Corporation (hereinafter referred to as Republic), a registered holding company, and its subsidiaries, Abington Electric Company, Brockway Light, Heat & Power Company, Fulton Electric Light, Heat & Power Company, Greencastle Light, Heat, Fuel & Power Company, The Mauch Chunk Heat, Power & Electric Light Company, Mercersburg, Lehmasters & Markes Electric Company, Renovo Edison Light, Heat & Power Company, Holston River Power Company, Madison Power Company, Massanutten Power Corporation, Page Power Company, Renovo Heating Company, Lehigh Ice Company, Susquehanna Ice Company (all hereinafter designated by self- and Republic Service Management Company (all hereinafter designated by self-evident abbreviations). All interested persons are referred to said document, which is on file in the office of this Commission, for a complete statement of the transactions therein proposed, which are summarized as follows:

Republic and its subsidiaries propose to consummate a plan of reorganization filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for the purpose of enabling the said companies to comply with the provisions of sections 11 (b) (1) and (2) of the Act. The main elements of the proposed plan are as follows:

1. Page, Madison, Massanutten Power, and Holston, all operating companies situated in Virginia, will be consolidated into a new operating company, designated as New Virginia Operating Company, which will also own the outstanding capital stock of Massanutten Water. New Virginia Operating Company will have a capital structure consisting of $1,400,000 of 25-year, 4% First Mortgage Bonds and 171,062 shares of $6.00 par value common stock.

2. Mercersburg, Greencastle, and Fulton, all operating companies situated in Pennsylvania, will be consolidated into a new operating company, designated as New Cumberland Valley Company, the capital structure of which will consist of $275,000 of 25-year 4% First Mortgage Bonds and 10,000 shares of $10 par value common stock.

3. The $590,000 note of Abington held by Republic will be funded by the issuance of $590,000 of 25-year, 4% First Mortgage Bonds of Abington.

4. A new holding company will be incorporated in Pennsylvania, designated as New Pennsylvania Holding Company, which will own the capital stocks of New Cumberland Valley Company and the remaining Pennsylvania subsidiaries of Republic (namely, Abington, Brockway, Mauch Chunk, Renovo Edison, Renovo Heating, Lehigh Ice, and Susquehanna Ice) and will have a capital structure consisting of 171,062 shares of $6.00 par value common stock. The plan contemplates that New Pennsylvania Holding Company will be subject to exemption from the Act as provided in section 3 (a) (1) of the Act.

5. The new securities referred to in steps 1 through 4 above will be distributed by Republic to its security holders on the following basis:

(a) Holders of Collateral Trust Bonds will receive in exchange for each $1,000 face amount thereof: (1) $500 either in cash or in equal face amount of the above mentioned 25-year, 4% First Mortgage Bonds in the following percentages: New Virginia Operating Company (61.71%), Abington (26.05%), and New Cumberland Valley Company (12.14%); and (2) 30 shares each of common stock of New Virginia Operating Company and New Pennsylvania Holding Company.

(b) Holders of preferred stock will receive in exchange for each share 2 shares each of common stock of New Virginia Operating Company and New Pennsylvania Holding Company.

(c) The plan states that there is no equity for the common stock and no provision is therefore made for its participation.

6. Upon the completion of the prior steps, Republic will be dissolved.

7. Within such time as may be prescribed by the Commission, not exceeding six months after the date fixed for distribution of the common stock of New Virginia Operating Company and New Pennsylvania Holding Company, meetings of the holders of the common stock of the two corporations will be called for the purpose of electing directors. Pending the aforesaid elections, the present directors of the Virginia subsidiaries of Republic shall be the directors of New Virginia Operating

Company, and the present directors of Republic shall be the directors of New Pennsylvania Holding Company.

8. The plan states that it is subject to the approval of the Pennsylvania Public Utility Commission or State Corporation Commission of Virginia with respect to certain transactions. It is intended that the plan, when duly approved, will be binding upon Republic and its security holders and will prevent and bar the enforcement of any rights against Republic by any of its security holders in any manner except as provided in the plan. It is further intended that Republic, if necessary, will request the Commission to apply to a court pursuant to section 11 (e) to enforce and carry out the terms and provisions of the plan.

II

By orders dated May 8, 1942 and June 17, 1942, this Commission instituted proceedings against Republic Service Corporation and its subsidiaries pursuant to sections 11 (b) (1) and (2) of the Public Utility Holding Company Act of 1935. Hearings in this proceeding have been continued subject to further order of the Commission or call of the Trial Examiner.

III

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the plan of reorganization of Republic and its subsidiaries filed pursuant to section 11 (e) of the Act; and

It further appearing to the Commission that the proceedings with respect to the section 11 (e) plan involve common questions of law and fact with the pending proceedings under sections 11 (b) (1) and (2) and should be consolidated and heard together;

It is hereby ordered, That the proceedings with respect to the plan filed pursuant to section 11 (e) and the proceedings under section 11 (b) (1) and (2) be and the same hereby are consolidated;

It is further ordered, That hearings on such matters under the applicable provisions of the Act and the Rules of the Commission thereunder be held on December 16, 1942, at 10:00 a. m., E. W. T., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa. On such day the Hearing Room Clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearings. The officer so designated to preside at such hearings is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented in the consolidated proceedings, the following matters and questions will be considered in addition to those to be considered in the proceedings under sections 11 (b) (1) and (2):

1. Whether the proposed plan filed pursuant to section 11 (e) of the Act is fair and equitable to the persons affected thereby and is necessary to effectuate the provisions of section 11 (b) of the Act.

2. Whether the proposed plan is feasible.

3. Whether the Commission shall exempt the proposed New Pennsylvania Holding Company and its subsidiaries from any provision or provisions of the Act pursuant to the provisions of section 3 (a) (1) of the Act.

4. Whether the proposed acquisitions by New Virginia Operating Company and New Pennsylvania Holding Company will serve the public interest by tending toward the economical and efficient development of an integrated public utility system, and otherwise meet the standards of section 10 of the Act.

5. Whether the debt securities proposed to be issued by New Virginia Operating Company, New Cumberland Valley Company, and Abington are to be issued solely for the purpose of financing the business of the issuers; and whether such debt securities are necessary or appriate to the economical and efficient operation of the business of the issuing companies and otherwise meet the standards of section 7 (d) of the Act.

6. What provisions, if any, should be included in the plan to insure that effective voting control and management are vested in the persons entitled to vote as a result of consummation of the plan.

7. Whether the fees and expenses and other considerations to be paid or received, directly or indirectly, in connection with the proposed plan and transactions incidental thereto are necessary, are reasonable in amount, and are properly allocated between Republic and its subsidiaries.

8. What terms and conditions, if any, may be necessary or appropriate in the public interest or the interest of investors or consumers.

It is further ordered, That all parties and persons granted the right to intervene or be heard and participate in the above-described proceedings under sections 11 (b) (1) and (2) shall be and hereby are given the same rights with respect to the present consolidated proceeding.

It is further ordered, That any other person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission, on or before December 10, 1942, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That jurisdiction be and hereby is reserved to separate, either for hearing in whole or in part, or for disposition in whole or in part, any of the issues or questions which may arise in these proceedings, and to take such other action as may appear conducive to an orderly, prompt and economic disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order to Republic and its various subsidiaries, the Pennsylvania Public Utility Commission, and State Corporation Commission of Virginia, not less than seven days prior to the date hereinbefore fixed as the date of the hearing; and that notice of said hearing is hereby given to Republic and its subsidiaries, to their security holders, and to all consumers of Republic and its subsidiaries, all states, municipalities and political subdivisions of states within which is located any of the physical assets of said companies or under the laws of which any of said companies is incorporated, all state commissions, state securities commissions, and all agencies, authorities or instrumentalities of one or more states, municipalities or other political subdivisions having jurisdiction over Republic or its subsidiaries or over any of the businesses, affairs or operations of any of them; that such notice shall be given further by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER not later than seven days prior to the date hereinbefore fixed as the date of hearing.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12838; Filed, December 3, 1942; 3:53 p. m.]

[File No. 70-625]

TRI-CITY UTILITIES COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 2d day of December 1942.

Tri-City Utilities Company, a subsidiary of Associated Electric Company, a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (d) thereof, and Rule U-44 thereunder, regarding the sale by it, for an aggregate base price of $195,000, in cash, of all the properties comprising its Ohio River electric division, to Meade County Rural Electric Cooperative Corporation and Green River Rural Electric Cooperative Corporation, in accordance with the terms and provisions of an agreement dated November 6, 1942; and

Said declaration having been filed on November 10, 1942, and certain amendments having been filed thereto, and notice of said filing having been given in the form and manner prescribed by Rule U-23, promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to the said declaration within the period specified in said notice, or otherwise, and not having ordered the hearing thereon; and

The Commission deeming it appropriate in the public interest and in the in-

terest of investors and consumers to permit the said declaration, pursuant to Rule U-44, to become effective;

It is ordered, Pursuant to said Rule U-23, and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration, as amended, be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-12842; Filed, December 3, 1942; 3:54 p. m.]

[File No. 70-418]

UNITED PUBLIC SERVICE CORPORATION

ORDER UPON SUPPLEMENTAL APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 30th day of November 1942.

The Commission having on the 23rd day of January, 1942 issued its opinion and order approving a plan pursuant to which United Public Service Corporation was permitted to pay to its stockholders, according to their respective rights, a liquidating dividend in the aggregate amount of $1,223,380; and

Such order further providing that sale or distribution of the remaining assets of United Public Service Corporation should not be made except upon further order of the Commission; and

United Public Service Corporation having on the 7th day of November, 1942 filed a supplemental application regarding the sale to Natural Gas and Investment Company of 4,082 shares of preferred stock, 6%, non-cumulative, par value $1 per share, of Southern United Gas Company for the sum of not less than $80,000 in cash and proposing the distribution of the proceeds of such sale together with the sum of $73,000 of available cash to its stockholders according to their respective rights as a partial liquidating dividend when and as declared by its board of directors; and

United Public Service Corporation having on the 9th day of November, 1942 filed a supplemental application regarding the sale to Atlantic Company of 217,917 shares of capital stock, par value $1 per share, of Southern United Ice Company and a 4% income note of such company dated October 1, 1935 due October 1, 1951 in the principal amount of $432,800 of which $388,840.88 principal amount is unpaid, for the sum of $91,800 in cash and proposing to distribute the proceeds of such sale to its stockholders according to their respective rights as a partial liquidating dividend when and as declared by its board of directors; and

United Public Service Corporation having proposed that such liquidating dividends be declared and paid within 60 days after the date hereof; and

Notices of such filings having been duly given and the Commission not having received a request for a hearing with respect to said supplemental applications within the period specified in such notices or otherwise and not having ordered a hearing thereon; and

The Commission finding that the sales of such securities and the disposition of the proceeds therefrom are steps in the liquidation of United Public Service Corporation which has previously been found necessary to effectuate the provisions of section 11 (b) (2) of the Act and are fair and equitable to the persons affected thereby:

It is therefore ordered, That such transactions are approved as part of a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935;

It is further ordered, That sale or distribution of the remaining assets of United Public Service Corporation shall not be made except upon further order of the Commission as to which matters the Commission reserves complete jurisdiction.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-12333; Filed, December 3, 1942; 3:52 p. m.]